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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

13 THE SIERRA CLUB and)
 ENVIRONMENTAL INTEGRITY)
 14 PROJECT,)
)
 15 Plaintiffs,)
)
 16 v.)
)
 17 UNITED STATES ENVIRONMENTAL)
 PROTECTION AGENCY,)
 18)
 Defendant.)
 19)

Case No. C 11-0846 MEJ

**DEFENDANT'S SECOND UNOPPOSED
 ADMINISTRATIVE MOTION TO
 AUGMENT BRIEFING SCHEDULE;
 DECLARATION OF COUNSEL;
 [PROPOSED] ORDER**

20 **ADMINISTRATIVE MOTION**

21 Defendant United States Environmental Protection Agency ("EPA") by its attorney, the
 22 United States Attorney for the Northern District of California, hereby requests a change in this
 23 Court's January 25, 2012 briefing schedule. Specifically, Defendant respectfully requests that
 24 the Court consider defendant's February 13, 2012 brief as timely filed and extend the time for
 25 Plaintiffs to file their Opposition and Cross-Motion to March 19, 2012. The remaining dates,
 26 including the hearing date, would remain the same.

27 This request is made on the ground that it is unopposed and two of the declarants
 28 providing evidentiary support for defendant's motion were unavailable to sign their declarations

1 in a timely manner.

2 **FACTS**

3 Plaintiffs filed this action pursuant to the FOIA and the APA on February 23, 2011. The
4 matter was referred to mediation on June 6, 2011. [Docket No. 17.] After several attempts to
5 resolve the matter, the case did not settle. In their November 17, 2011 status report, the parties
6 presented the court with a proposed briefing schedule to resolve the issues by cross-motions for
7 summary judgment.[Docket No. 22.] The court adopted the proposed schedule in its November
8 21, 2011 order. [Docket No. 23.] According to the schedule, defendant's motion was due by
9 January 13, 2012, plaintiff's opposition and cross-motion was due February 10, 2012, and replies
10 were due March 9, 2012 for an April 10, 2012 hearing on the cross motions.

11 Defendant was been unable to collect the information necessary to prepare its motion for
12 summary judgment by the January 13, 2012 due date for motions. On January 25, 2010, this
13 court granted defendant's unopposed motion to adjust the briefing schedule and set the following
14 deadlines:

15 Defendant's Motion for Summary Judgment: February 3, 2012

16 Plaintiffs' Opposition, Cross-Motion: March 9, 2012

17 Defendant's Reply, Opposition: March 30, 2012

18 Plaintiffs' Reply: April 27, 2012

19 Hearing: May 10, 2012, at 10:00 a.m.

20
21 The defendant's motion for summary judgment relies principally on the declarations of
22 Leticia Lane and Janet Adams. These witnesses were unavailable to sign their declarations in a
23 timely matter. A signed version of the Lane declaration did not become available until
24 February 8, 2012 and the signed version of the Adams declaration did not become available until
25 February 13, 2012.

26 Plaintiffs have indicated they would not object to the defendant's motion to change to
27 February 13, 2012 the filing deadline for its summary judgment motion so long as the motion

~~PROPOSED~~ ORDER

Defendant's request to augment the briefing schedule is granted, the parties will observe the following briefing and hearing schedule:

Defendant's Motion for Summary Judgment:	February 13, 2012
Plaintiff's Opposition, Cross-Motion:	March 19, 2012
Defendant's Reply:	March 30, 2012
Plaintiffs' Reply:	April 27, 2012
Hearing:	May 10, 2012

Date: February 16, 2012



Chief United States Magistrate Judge