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14 **IN THE UNITED STATES DISTRICT COURT**
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

17 BASEL ACTION NETWORK, et al.,

18 Plaintiffs,

19 v.

20 U.S. Environmental Protection Agency,
21 et al.,

22 Defendants.

Case No.: CV-11-06185-EMC

**JOINT STIPULATION FOR
 AMENDED BRIEFING SCHEDULE
 AND [PROPOSED] ORDER**

(modified)

23 Pursuant to Civil L.R. 6-2, Defendant United States Environmental Protection
 24 Agency (“EPA”) and Lisa P. Jackson, Administrator, U.S. EPA, in her official capacity
 25 (collectively “Defendants”), and the Basel Action Network (“BAN”), Sierra Club, and
 26 Center for Biological Diversity (collectively “Plaintiffs”), hereby stipulate to and request
 27 an order resetting the briefing on Defendants’ motion for judgment on the pleadings and
 28 scope/standard of review (Dkt. No. 54) as follows:

CASE No. CV-11-06185-EMC
 JOINT STIPULATION FOR AMENDED BRIEFING SCHEDULE
 AND [PROPOSED] ORDER

1 November 28, 2012 - Defendants' motion for judgment on the pleadings and
2 scope/standard of review due

3 January 9, 2012 - Plaintiffs' opposition due

4 January 30, 2012 - Defendants' reply due

5 February 15, 2012 - Hearing on motion at 1:30 p.m.

6 During the Initial CMC (Dkt. No. 54), the Court suggested that the parties confer
7 and determine which party would move on the scope/standard of review issue, though the
8 Minute Order indicated that Plaintiffs should cross-move on the issue. The parties have
9 now agreed that Defendants will move on the issue. In order to allow Defendants time to
10 include that issue in their opening brief, the parties stipulate and request that the Court
11 reschedule briefing and the hearing as set forth above.

12 Further, the parties are currently discussing the possibility of requesting a stay of
13 the litigation for a brief period after which EPA would respond substantively to the
14 remaining portions of Plaintiffs' petitions requesting action under the Marine Protection,
15 Resources, and Sanctuaries Act. The parties expect that the requested briefing schedule
16 would also allow the parties sufficient time to determine if a stay is appropriate.

17 Accordingly, the parties respectfully request that the Court set a new briefing and
18 hearing schedule as set forth above.

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1 Respectfully submitted,
2 Date: November 7, 2012

3 IGNACIA S. MORENO
4 Assistant Attorney General
5 Environment and Natural Resources Division

6 _____
7 /s/
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[PROPOSED] ORDER

Pursuant to Stipulation, IT IS SO ORDERED, and the briefing schedule is hereby reset as follows:

- November 28, 2012 - Defendants' motion for judgment on the pleadings and scope/standard of review due
- January 9, ~~2012~~²⁰¹³ - Plaintiffs' opposition due
- January 30, ~~2012~~²⁰¹³ - Defendants' reply due
- February ~~15, 2012~~^{14, 2013} - Hearing on motion at 1:30 p.m.

DATED this 8th day of November, 2012.

