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13 [additional counsel listed in signature blocks]

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.: 3:11-cv-06185-EMC

**JOINT STIPULATION CONTINUING
 THE CASE MANAGEMENT
 CONFERENCE, REQUEST TO
 APPEAR TELEPHONICALLY,
 AND [~~PROPOSED~~] ORDER**

Date: February 4, 2014
 Time: 9:00 a.m.
 Courtroom 5, 17th Floor

23 Pursuant to Civil L.R. 6-2, Defendant United States Environmental Protection
 24 Agency (“EPA”) and Gina McCarthy, 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 continuing the Case Management Conference (“CMC”) currently set for
 28 February 4, 2014 (Dkt. No. 62) to February 11, 2014 at 9:00 a.m. in Courtroom 5, 17th

1 Floor, San Francisco. The Court previously stayed all proceedings, in part, to allow EPA
2 to act on the portion of Plaintiffs’ petition requesting that EPA take certain actions under
3 the Marine Protection, Research, and Sanctuaries Act (“MPRSA”) (Dkt. No. 61). The
4 stay expired on December 31, 2013. EPA has not yet taken action on the MPRSA
5 portion of Plaintiffs’ petition. EPA reasonably expects to act by January 29, 2014. The
6 parties agree that until Plaintiffs consider EPA’s response to the MPRSA portion of the
7 petition, they cannot effectively meet and confer on how to proceed with the pending
8 case. Accordingly, the parties request that the CMC be continued until February 25,
9 2014, the next available CMC date that counsel for both parties is available, and that the
10 case management statement be due on February 18, 2014.

11 Lead counsel for EPA is located in Washington, D.C., and, due to current
12 government budgetary restrictions, has not received approval to travel to San Francisco
13 for the CMC. No local Department of Justice attorneys are assigned to this matter and no
14 other Department of Justice attorneys have worked on this matter in any capacity. Lead
15 counsel for Plaintiffs is located in Seattle, WA and does not object to this request so long
16 as both parties appear telephonically.

17 Therefore, for the reasons stated above, the parties request that they both be
18 allowed to appear and participate telephonically at the February 25, 2014 initial CMC.

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1 Respectfully submitted,
2 Date: January 14, 2014

3 ROBERT G. DREHER
4 Acting Assistant Attorney General
5 Environment and Natural Resources Division

6 /s/ Leslie M. Hill
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/s/ (electronic mail authorization 1/14/14)
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Local Counsel for Plaintiffs

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~~[PROPOSED]~~ ORDER

Pursuant to Stipulation, the case management conference is continued until February ²⁷~~25~~, 2014 at 9:00 a.m. in Courtroom 5, 17th Floor, San Francisco. The case management statement shall be due February ²⁰~~18~~, 2014.

Further, before the Court is the parties' Joint Request to Appear Telephonically on February ²⁷~~25~~, 2014, at 9:00 a.m. Upon due consideration, and for good cause shown, the parties' request is hereby GRANTED. It is further ordered that

— counsel will call the following number to participate in the hearing:

Plaintiffs' counsel will be called at (206) 343-7340 ext. 1020 and Defendants' counsel will be called at (202) 514-0375 to participate in the hearing. Counsel will be available from 9:00 am until the call occurs.

IT IS SO ORDERED.

DATED this 22nd day of January 2014.

