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 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 HOPLAND BAND OF POMO INDIANS,)
 16 *et al.*,)
 17 Plaintiffs,)
 18 v.)
 19 KEN SALAZAR, Secretary of the Interior,)
 20 *et al.*,)
 21 Defendants.)

Case No. 3:12CV556-CRB
 Hon. Charles R. Breyer
 Courtroom: 6, 17th Fl.
 Hearing: N/A

ORDER TO MODIFY BRIEFING
 SCHEDULE, RESCHEDULE CASE
 MANAGEMENT CONFERENCE, AND
 RESET HEARING ON THE PARTIES'
 CROSS MOTIONS FOR SUMMARY
 JUDGMENT

22 Pursuant to Civil L.R. 6-2, and for good cause shown based on the attached declaration of
 23 James D. Todd, Jr., the parties stipulate that the: (i) briefing schedule entered by the court on
 24 May 20, 2012, *see* ECF. No. 28; (ii) Case Management Conference currently set for July 20,
 25 2012 at 10:00 a.m.; and (iii) hearing on the parties cross motions for summary judgment
 26 currently set for July 20, 2012 at 10:00 am., shall be rescheduled. Pursuant to Civil L.R. 6-
 27 2(a)(1), and in support of this stipulation, the parties state as follows:
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Stipulation with Proposed Order to Modify
 Briefing Sched; Reschedule Case Mgt. Conf., and
 Reset Hrg. on MSJs., No. 3:12CV556-CRB

- 1 1. On May 20, 2012, this Court entered an order pursuant to a stipulation setting a
2 briefing schedule in this case. *See* Order, ECF No. 28. That order provided for the:
3 (a) plaintiffs to file their summary judgment motion on May 25, 2012; (b) defendants
4 to file their opposition to plaintiffs’ motion and their cross motion for summary
5 judgment on June 15, 2012; (c) plaintiffs to file reply in support of their motion and
6 opposition to defendants motion for summary judgment and by July 6, 2012; (d)
7 defendants to file their reply in support of their motion by July 13, 2012; and (e) set a
8 hearing on the parties’ cross motions for July 20, 2012, at 10:00 a.m. *See id.*
- 9 2. Also on May 30, 2012, this Court entered an order rescheduling the case management
10 conference to July 20, 2012 at 10:00 a.m.
- 11 3. Plaintiffs filed their motion for summary judgment on May 25, 2012. *See* ECF No.
12 21. Since that time, defendants’ undersigned counsel has been working diligently
13 with defendants to prepare their combined opposition and cross motion. *See* Decl. of
14 James D. Todd, Jr. (“Todd Decl.”) [Attached as Ex. A hereto]. On June 12, 2012,
15 however, it became clear that defendants and undersigned counsel need more time to
16 review and analyze information that could be relevant to defendants’ anticipated
17 opposition and cross motion and fully brief the issues in this case. *Id.* ¶ __.
- 18 4. On reaching this conclusion, undersigned counsel for defendants immediately
19 contacted plaintiffs’ counsel and apprised him of the situation. *Id.* ¶ __. Plaintiffs’
20 counsel graciously agreed to stipulate to an additional week for defendants to prepare
21 and file their opposition and cross motion, modify the briefing schedule, reset the
22 hearing date on the parties’ cross motions, and reschedule the case management
23 conference. *Id.*
- 24 5. Pursuant to Civil L.R. 6-2(a)(3), extending the time for defendants’ combined
25 opposition and cross motion will affect all other dates in the briefing schedule and
26 date for the court’s hearing on the parties’ cross motions. The parties also note that
27 this Court’s calendar indicates the Judge Breyer will be unavailable July 27, 2012.
28 *See* Calendar for Judge Breyer, Scheduling Notes, *available at*:

1 <http://www.cand.uscourts.gov/CEO/cfd.aspx?7134#Notes>. Additionally, undersigned
2 counsel for defendants has previously scheduled a prepaid family vacation from July
3 23, 2012 through August 10, 2012. Todd Decl. ¶ __. Accordingly, the parties propose
4 the following modified briefing schedule and hearing on the parties cross-motions:

5 (a) defendants will file their combined opposition to plaintiffs' motion for
6 summary judgment and cross motion for summary judgment no later than June 22,
7 2012;

8 (b) plaintiffs will file their combined reply in support of their motion and
9 opposition to defendants' cross motion no later than July 13, 2012;

10 (c) defendants will file their reply in support of their motion no later than July 20,
11 2012;

12 (d) this Court will hold a hearing on the parties' cross motions on September 7,
13 2012, at 10:00 a.m.; and

14 (e) pursuant to Civil L.R. 6-2(a)(3), and in order to minimize taxpayer expense
15 associated with the travel expenses of undersigned counsel for defendants, the parties
16 agree to reschedule the case management conference to September 7, 2012, at 10:00
17 a.m. The parties have confirmed that the new time is convenient for the Court's
18 calendar.

19 6. Pursuant to Civil L.R. 6-2(a)(2), the parties agree that this is the first extension of
20 time sought by defendants to this briefing schedule and the hearing on the parties
21 cross motion for summary judgment, but the second extension sought by defendants
22 to the case management conference. The parties further agree that this is the third
23 extension, all for good cause shown, sought by defendants in this case.

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