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 8

THE HONORABLE MAXINE M. CHESNEY

9 *Attorneys for Defendants*

10 UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13 ENVIRONMENTAL PROTECTION )  
 14 INFORMATION CENTER, )

Plaintiff,

v.

17 JERRY AYERS, STANFORD LEHR, CHARLTON )  
 18 H. BONHAM, PAT OVERTON, ROWAN GOULD, )  
 19 JEFF UNDERWOOD, and U.S. FISH AND )  
 WILDLIFE SERVICE, )

Defendants.

) Case No. 3:13-cv-0656-MMC  
 ) ORDER APPROVING  
 ) ~~STIPULATION AND PROPOSED~~  
 ) ~~ORDER TO CONTINUE CASE~~  
 ) MANAGEMENT CONFERENCE  
 ) AND ALLOW LEAVE TO APPEAR  
 ) BY TELEPHONE

) Date: ~~May 24, 2013~~  
 ) Time: 10:30 a.m.  
 ) Judge: Hon. Maxine M. Chesney  
 ) Courtroom 7, 19th Floor  
 )  
 )

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 27 STIPULATION TO CONTINUE INITIAL  
 28 CASE MANAGEMENT CONFERENCE

Case No. 3:13-cv-0656-MMC

1 **STIPULATION**

2 Pursuant to Civil Local Rules 6-2 and 7-12, all parties to this action stipulate and  
3 respectfully request of the Court as follows:

4 **A. Continuance of Initial Case Management Conference**

5 1. The initial case management conference in this action is presently set for Friday,  
6 May 24, 2013 at 10:30am. *See* ECF No. 9, at 1.

7 2. Lead counsel for Federal Defendants will be traveling by air on that date to a  
8 sibling's wedding during the entirety of the Court's business hours, and requests from the Court  
9 a continuance of the initial case management conference. Pursuant to Civil Local Rule 6-2(a), a  
10 supporting declaration is attached.

11 3. Counsel for Federal Defendants has conferred with counsel for all other parties on  
12 this request, and all parties agree to stipulate and request of the Court an order continuing the  
13 initial case management conference to a later date. Counsel for all parties will be available on  
14 Friday, May 31, 2013.

15 4. There have been no prior time modifications in this case.

16 5. The parties have requested an ADR Telephone Conference, which is currently set  
17 for May 21, 2013. There are no other outstanding ADR deadlines.

18 6. Therefore, the parties request that the Court continue the initial case management  
19 conference to May 31, 2013 at 10:30am. The parties' joint case management statement would be  
20 due on or by May 24, 2013. *See* ECF No. 9, at 1.

21 **B. Request for Telephonic Appearance at Initial Case Management Conference**

22 7. Counsel for Federal Defendants, who are based in Washington, DC, additionally  
23 request leave of Court to appear telephonically at the initial case management conference.

24 8. As explained in the supporting declaration, the U.S. Department of Justice is  
25 currently operating under a reduced budget and a non-essential spending freeze and, therefore,  
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1 Department employees are urged to conserve public resources whenever possible, including  
2 requesting telephonic appearances where appropriate.

3 9. An order granting leave for counsel for Federal Defendants to appear  
4 telephonically at the initial case management conference will save the expense of travel from  
5 Washington, DC to San Francisco.

6 10. Counsel for Federal Defendants has conferred with counsel for all other parties on  
7 this request for leave to appear telephonically, and all parties agree to stipulate and request of the  
8 Court an order permitting counsel for Federal Defendants to appear telephonically at the initial  
9 case management conference.

10 Respectfully submitted this 1<sup>st</sup> day of May, 2013.

11  
12 IGNACIA S. MORENO  
13 Assistant Attorney General  
14 U.S. Department of Justice  
15 Environment & Natural Resources Division  
16 SETH M. BARSKY, Chief  
17 S. JAY GOVINDAN, Assistant Chief

18 /s/ Ethan Carson Eddy  
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8 /s/ Peter M.K. Frost

9 Peter M.K. Frost, admitted *pro hac vice*  
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*Attorneys for State Defendants*

29 **E-FILING ATTESTATION**

30 Pursuant to Civil Local Rule 5.1(i)(3), I attest that Sharon Duggan, Peter Frost and Marc  
31 Melnick have concurred in the filing of this document.

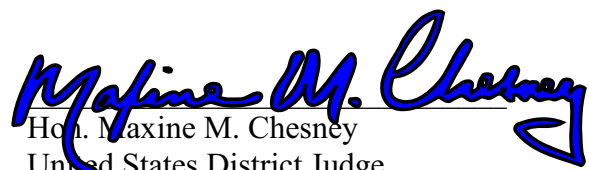
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/s/ Ethan Carson Eddy  
ETHAN CARSON EDDY  
Counsel for Federal Defendants

**PROPOSED ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. Further, all counsel shall appear telephonically at the May 31, 2013 Case Management Conference.

Dated: May 6, 2013

  
Hon. Maxine M. Chesney  
United States District Judge