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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KLAMATH-SISKIYOU WILDLANDS )  
CENTER, *ET AL.*, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 NOAA NMFS, *ET AL.*, )  
 )  
 Defendants. )

Civ. No. 3:13-cv-3717-NC  
**STIPULATION AND [~~PROPOSED~~]  
ORDER SETTING CASE  
MANAGEMENT SCHEDULE AND  
VACATING STATUS  
CONFERENCE**

STIPULATION AND [~~PROPOSED~~] ORDER - 1  
CASE NO. 3:13-cv-3717-NC

1 Pursuant to Paragraph D of this Court's *Order on Joint Case Management Statement*  
2 (Doc. #41), the parties hereby submit this proposed case management schedule. The parties are  
3 ready to schedule motions for summary judgment in this matter because no party intends to file a  
4 motion to complete or supplement either of the administrative records. The parties note that they  
5 have agreed to longer briefs because Plaintiffs' complaint states nine separate claims for relief,  
6 each of which may have a number of supporting arguments, and because there are two separate  
7 federal defendants and administrative records. The parties conferred by telephone on Monday  
8 June 2, 2014, and now stipulate and request of the Court an order entering the following briefing  
9 schedule and page limits.  
10

11 A. Plaintiffs shall file a motion for summary judgment and any supporting materials,  
12 which may include standing declarations and excerpts of the administrative records,  
13 on or before August 1, 2014. Plaintiffs' memorandum in support of its motion for  
14 summary judgment shall not exceed fifty (50) pages.  
15

16 B. The Federal Defendants and Intervenor Fruit Growers Supply Company shall file  
17 their responses to Plaintiffs' motion for summary judgment and any cross-motions for  
18 summary judgment on or before September 5, 2014. The combined total of the  
19 Federal Defendants' and Intervenor's response briefs and cross motions for summary  
20 judgment shall not exceed fifty (50) pages.  
21

22 C. Plaintiffs shall file a reply brief in support of Plaintiffs' motion for summary  
23 judgment along with a response to Defendant's and Intervenor's cross motion for  
24 summary judgment, including any supporting materials, on or before October 8,  
25 2014. Plaintiffs' reply and response brief shall not exceed ~~thirty five (35)~~ <sup>twenty-five (25)</sup> pages.  
26

- 1 D. The Federal Defendants and Intervenor Fruit Growers Supply Company shall file  
2 their reply briefs in support of their cross motions for summary judgment on or before  
3 October 30, 2014. The Federal Defendants' and Intervenor Fruit Growers Supply  
4 Company's reply briefs shall only address issues raised by their cross motions for  
5 summary judgment. The combined total of the Federal Defendants' and Intervenor's  
6 ~~thirty-five (35)~~ twenty-five (25)  
7 reply briefs shall not exceed ~~thirty-five (35)~~ pages.
- 8 E. The caption pages, tables of contents and authorities, and any supporting declarations  
9 and record materials shall not count toward the page limits described herein.
- 10 F. The parties request oral argument on this matter, to be scheduled on a date that is  
11 convenient for the Court.
- 12 G. Because the parties have agreed to the proposed summary judgment briefing schedule  
13 and page limits they do not need to have the scheduled June 11, 2014 status  
14 conference.
- 15 H. If the Court opts to conduct the status conference, counsel for Plaintiffs and counsel  
16 for the Federal Defendants hereby request permission to appear at the conference via  
17 telephone.  
18  
19

20 Respectfully submitted this 4th day of June, 2014.

21 WASHINGTON FOREST LAW CENTER

22 By: /s/ Paul Kampmeier  
23 PAUL KAMPMEIER, WSBA #31560,  
24 appearance *pro hac vice*  
25 615 Second Avenue, Suite 360  
26 Seattle, WA 98104  
27 (206) 223-4088  
28 pkampmeier@wflc.org

*Attorneys for Plaintiffs*

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SAM HIRSCH  
Acting Assistant Attorney General  
U.S. Department of Justice  
Environment & Natural Resources Division  
SETH M. BARSKY, Chief  
KRISTEN L. GUSTAFSON, Assistant Chief

          /s/ Ethan Carson Eddy (as authorized)  
ETHAN CARSON EDDY  
Trial Attorney (Cal. Bar 237214)  
Wildlife and Marine Resources Section  
P.O. Box 7611, Ben Franklin Station  
Washington, D.C. 20044  
(202) 305-0202 (Phone); (202) 305-0275 (Fax)  
ethan.eddy@usdoj.gov

*Attorneys for Defendants*

COX, CASTLE & NICHOLSON LLP

By:           /s/ Andrew Sabey  
Andrew B. Sabey  
Scott B. Birkey  
Attorneys for Defendant-Intervenor

FRUIT GROWERS SUPPLY COMPANY

**E-FILING ATTESTATION**

Pursuant to Civil Local Rule 5.1(i)(3), I attest that Ethan Eddy and Andrew Sabey have concurred in the filing of this document.

          /s/ Paul Kampmeier  
Paul Kampmeier, counsel for Plaintiffs

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**[PROPOSED] ORDER**

The above STIPULATION establishing a summary judgment briefing schedule is GRANTED. The status conference set for June 11, 2014 is ~~RE~~ CATED.

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: June 4, 2014

