

1 MELINDA HAAG (CSBN 132612)
 United States Attorney
 2 ALEX G. TSE (CABN 152348)
 Chief, Civil Division
 3 MICHAEL T. PYLE (CSBN 172954)
 Assistant United States Attorney
 4 150 Almaden Boulevard, Suite 900
 5 San Jose, California 95113
 6 Telephone: (408) 535-5087
 Facsimile: (408) 535-5081
 7 E-mail: michael.t.pyle@usdoj.gov

8 SAM HIRSCH,
 Acting Assistant Attorney General
 9 SETH M. BARSKY, Chief
 10 COBY HOWELL, Senior Trial Attorney
 U.S. Department of Justice
 11 Environment & Natural Resources Division
 12 Wildlife & Marine Resources Section
 c/o U.S. Attorney's Office
 13 1000 S.W. Third Avenue
 14 Portland, OR 97204
 Telephone: (503) 727-1023
 15 Facsimile: (503) 727-1117
 E-mail: coby.howell@usdoj.gov

16 Attorneys for Federal Defendants

17
 18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA

20 OUR CHILDREN'S EARTH) 21 FOUNDATION, et al.,) 22) Plaintiffs,) 23) v.) 24) 25 NATIONAL MARINE FISHERIES) SERVICE, et al ,) 26) Defendants.) 27) 28)	Civil Case No.: 3:14-cv-01130-SC STIPULATION AND PROPOSED ORDER SETTING BRIEFING SCHEDULE FOR CROSS-MOTIONS FOR SUMMARY JUDGMENT REGARDING PLAINTIFF'S FOIA CLAIMS WITHOUT A HEARING Courtroom: 1, 17 th Floor Hon. Samuel Conti
---	--

STIPULATION AND [PROPOSED] ORDER SETTING BREIFING SCHEDULE FOR CROSS MOTONS FOR
 SUMJMARY JUDGMENT WITHOUT A HEARING
 14:1130 SC

1 WHEREAS Plaintiffs filed an Amended Motion for Partial Summary Judgment on
2 FOIA Claims with supporting papers on July 16, 2014 (*see* Docket No. 34) and whereas
3 this motion is set for hearing on August 22, 2014;

4 WHEREAS Defendants' opposition to Plaintiffs' motion would be due on July 30,
5 2014;

6 WHEREAS Defendants requested an extension of time to oppose Plaintiffs' motion
7 because Defendants' personnel who would draft declarations to oppose Plaintiffs' motion
8 have been out of the office (a) on leave and (b) due to work obligations that have them
9 out of their offices, and Defendants' counsel just returned from leave on July 16, 2014,
10 and has a heavy work load over the next week that got heavier when he was assigned a
11 new case where Plaintiffs seek a temporary restraining order and preliminary injunction;

12 WHEREAS Defendants intend to file a cross-motion for summary judgment
13 regarding Plaintiffs' FOIA claims; and

14 WHEREAS the parties have met and conferred and have agreed upon a schedule for
15 briefing cross-motions for summary judgment regarding Plaintiffs' FOIA claims and to
16 request that the Court vacate the August 22, 2014 hearing date and decide the cross-
17 motions for summary judgment on the papers and without a hearing. *See also* Civil Local
18 Rule 7-1(b) ("In the Judge's discretion, or upon request by counsel and with the Judge's
19 approval, a motion may be determined without oral argument or by telephone conference call.").

20 The parties thus stipulate, subject to the Court's approval to the following,
21 recognizing that Plaintiffs have already filed their partial motion for summary judgment
22 on July 16, 2014:

- 23 1. On or before August 13, 2014, Defendants shall file an opposition to
24 Plaintiffs' motion and a cross-motion for summary judgment regarding
25 Plaintiffs' FOIA claims as a single 25-page brief;
- 26 2. On or before August 22, 2014, Plaintiffs shall file their opposition to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Defendants' motion for summary judgment and a reply in support of Plaintiffs' motion as a single 25-page brief;

3. On or before August 29, 2014, Defendants shall file a reply in support of their cross-motion for summary judgment of no more than 15 pages.

4. The August 22, 2014 hearing for Plaintiffs' motion should be vacated, and the Court should dispense with holding a hearing on the cross-motions and should decide the FOIA issues raised by the cross-motions on the papers.

DATED: July 23, 2014

ENVIRONMENTAL ADVOCATES

CHRISTOPHER A. SPROUL

Christopher a. Sproul

Christopher A. Sproul

Attorney for Plaintiffs

OUR CHILDREN'S EARTH and ECOLOGICAL RIGHTS FOUNDATION

DATED: July 23, 2014

MELINDA HAAG
UNITED STATES ATTORNEY

By: /s/ Michael T. Pyle

MICHAEL T. PYLE
Assistant U.S. Attorney

~~PROPOSED~~ ORDER

Pursuant to stipulation, IT IS SO ORDERED.

DATED: July 25, 2014

Samuel Conti

Hon. Samuel Conti
United States District Judge