

1 JEFFERY H. WOOD
 Acting Assistant Attorney General
 Environment & Natural Resources Division
 2 JODY H. SCHWARZ
 Natural Resources Section
 3 Environment & Natural Resources Division
 United States Department of Justice
 4 P.O. Box 7611
 Washington D.C. 20044-7611
 5 Telephone: (202) 305-0245
 Facsimile: (202) 353-2021
 6 jody.schwarz@usdoj.gov
 Attorney for the Federal Defendants

7 LESTER J. MARSTON State Bar No. 081030
 8 Rapport and Marston
 405 West Perkins Street
 9 Ukiah, CA 95482
 Telephone: (707) 462-6846
 10 Facsimile: (707) 462-4235
marston1@pacbell.net
 11 Attorney for Plaintiffs

12 **IN THE UNITED STATES DISTRICT COURT**
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

15 ANDREW ALLEN, et al.,
 16 Plaintiffs,
 17 v.
 18 UNITED STATES OF AMERICA, et al.,
 19 Defendants.

No. 1:16-cv-04403

STIPULATION OF THE PARTIES
 REQUESTING SECONDAMENDED
 SUMMARY JUDGMENT BRIEFING
 SCHEDULE

Date: September 27, 2017
 Time: 2:00 p.m.
 Judge: Honorable William H. Orrick
 Courtroom: 2 on the 17th Floor

22 Pursuant to Civil L.R. 6-1 and Civil L.R. 6-2, the Parties, through their undersigned legal
 23 counsel, hereby stipulate and request as follows:

24 1. August 21, 2017, the Court issued an Order granting the Federal Defendants request to
 25 file their reply brief in support of their motion for summary judgment to September 12, 2017. In the
 26 Order, the Court also continued the hearing date on the parties cross-motions for summary judgment to
 27 September 27, 2017, at 2:00 p.m.
 28

1 2. Under the current briefing schedule, Plaintiffs are required to file their reply brief
2 (“Reply”) in support of their motion for summary judgment and response to Federal Defendants’ cross-
3 motion for summary judgment on August 25, 2017.

4 3. Counsel for the Plaintiffs has a hearing scheduled in San Diego tomorrow in the case of
5 United States of America v. Fallbrook Public Utilities, United States District Court for the Southern
6 District of California, Case No. 51 cv 1247 GPC and a brief due this Friday, August 25, 2017, in
7 support of the Defendant’s, Ho-Chunk Nation’s, motion for judgment on the pleadings in the case of
8 Stockbridge-Munsee v. State of Wisconsin, et. al., United States District Court for the Western District
9 of Wisconsin, Case No. 17-cv-249-JDP.

10 4. In addition, unexpectedly, on August 16, 2017, the Northern California Agency of the
11 Bureau of Indian Affairs rendered a decision that required Plaintiffs’ Counsel, on behalf of a current
12 client, other than the plaintiffs in this case, to begin drafting a federal court complaint and a motion for
13 a temporary restraining order to prevent the current client from suffering irreparable harm. As a result,
14 Plaintiffs’ Counsel needs additional time to prepare and file its Reply in this case.

15 5. The parties, therefore, have agreed that Plaintiffs’ Counsel’s Reply shall be filed on or
16 before August 30, 2017.

17 6. This request, granting the Plaintiffs a three day continuance to file their Reply, will not
18 change the September 12, 2017, date scheduled for Federal Defendants to file their reply to Plaintiffs
19 motion for summary judgment or the September 27, 2017, date for the hearing on the motions.

20
21 Dated: August 22, 2017

/s/ Lester J. Marston
LESTER J. MARSTON
Attorney for the Plaintiffs

23
24 JEFFRY H. WOOD
Acting Assistant Attorney General

25
26 /s/Jody H.Schwarz
JODY H. SCHWARZ
Attorneys for the Federal Defendants

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


ORDER

Having read the forgoing Stipulation of the parties and good cause appearing therefore,

IT IS HEREBY ORDERED that:

1. Plaintiffs will file their reply in support of their cross-motion for summary judgment on or before August 30, 2017.

Date: August 23, 2017



HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE