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Attorneys for Federal Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

THE KLAMATH TRIBES,)	Case No. 3:18-cv-03078-WHO
)	
Plaintiff,)	STIPULATION REQUESTING ORDER
)	CHANGING TIME
v.)	
)	
U.S. BUREAU OF RECLAMATION;)	
U.S. FISH & WILDLIFE SERVICE;)	
NATIONAL MARINE FISHERIES)	
SERVICE,)	
)	
Defendants.)	

Pursuant to Civil Local Rule 6-2, Plaintiff, Federal Defendants, and Defendant-Intervenors hereby stipulate to and jointly request an order adopting the briefing schedule set forth herein with regard to Plaintiff's Motion for Preliminary Injunction (ECF No. 13) and Federal

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1 Defendants' and Defendant Intervenors' Motions to Dismiss (ECF Nos. 18 and 17).¹ In support
2 of this stipulation, the parties state:

3 1. On May 23, 2018, Plaintiff filed a Motion for Leave to File Excess Pages for its
4 upcoming Motion for Preliminary Injunction. ECF No. 5. The Court granted that Motion,
5 allowing a 37 page brief. ECF No. 11.

6 2. On May 29, 2018, Plaintiff filed its Motion for Preliminary Injunction. ECF No.
7 13. Plaintiff's motion is noticed for hearing on July 11, 2018 at 2:00 PM—the first date the Civil
8 Local Rules and the Court's schedule permits the motion to be heard.

9 3. The Civil Local Rules allow two weeks for response briefs, thus requiring Federal
10 Defendants and Defendant-Intervenors to file their response to Plaintiff's Motion for Preliminary
11 Injunction by June 12, 2018 and Plaintiff to file its reply within one week thereafter, by June 19,
12 2018.

13 4. Federal Defendants and Defendant-Intervenors require additional time to prepare
14 their response to Plaintiff's Motion for Preliminary Injunction due to the complexity of the issues,
15 the length of the motion, and the schedules of counsel. Plaintiff also seeks to avoid a scheduling
16 conflict for its counsel on June 27, 2018. The parties therefore stipulate to the following schedule
17 for Plaintiff's Motion for Preliminary Injunction: Federal Defendants and Defendant-Intervenors
18 will file their respective responses by June 22, 2018, and Plaintiff will file its reply by June 29,
19 2018. The parties do not seek to alter the July 11, 2018 hearing date, and hence briefing will be
20 completed under their proposed schedule 12 days prior to the hearing.

21 5. Separately, the parties have discussed a briefing schedule for Federal Defendants'
22 and Defendant-Intervenors' Motions to Dismiss. ECF Nos. 18 and 17. Federal Defendants' and
23 Defendant-Intervenors' Motions to Dismiss raise threshold issues that must be resolved prior to
24 resolving Plaintiff's Motion for Preliminary Injunction. Therefore, the parties stipulate to the
25 Court hearing the Motions to Dismiss on July 11, 2018—the same date as the hearing on

26 _____
27 ¹ Federal Defendants submit this Stipulation for the limited purpose of establishing a briefing
28 schedule. Federal Defendants expressly reserve all defenses, including that venue in this Court
is improper.

1 Plaintiff's Motion for Preliminary Injunction. The parties expect briefing on Federal Defendants'
2 Motion to Dismiss to proceed according to the Local Rules and duplicate the briefing dates on the
3 Motion for Preliminary Injunction, with responses due by June 22, 2018, and the reply due by
4 June 29, 2018. Briefing on Defendant-Intervenors' Motion to Dismiss will also proceed
5 according to those dates, with responses due by June 22, 2018, and the reply due by June 29,
6 2018.

7 6. The parties have not requested any previous time modifications of these schedules.

8 7. Approving the instant stipulation will not postpone the scheduled hearing on the
9 Motion for Preliminary Injunction on July 11, 2018. Accordingly, the parties stipulate and agree,
10 and request that the Court approve, the following schedule:

11 a. June 22, 2018: Federal Defendants' and Defendant-Intervenors' responses to
12 Plaintiff's Motion for Preliminary Injunction due. Responses to Federal
13 Defendants' and Defendant-Intervenors' respective Motions to Dismiss due.

14 b. June 29, 2018: Plaintiff's reply in support of its Motion for Preliminary
15 Injunction. Federal Defendants' and Defendant-Intervenors' respective replies on
16 their Motions to Dismiss due.

17 c. ~~July 11, 2018~~ ^{July 13, 2018 at 9:00 a.m.}: Hearing on Federal Defendants' and Defendant-Intervenors'
18 Motions to Dismiss.

19
20 Dated: June 8, 2018

21 Respectfully submitted,

22 JEFFREY H. WOOD, Acting Assistant Attorney General
23 SETH M. BARSKY, Chief
24 S. JAY GOVINDAN, Assistant Chief
25 ROBERT P. WILLIAMS, Sr. Trial Attorney

26 /s/ Kaitlyn Poirier
27 KAITLYN POIRIER, Trial Attorney
28 U.S. Department of Justice
Environment and Natural Resources Division
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PURSUANT TO STIPULATION, AS MODIFIED, IT IS SO ORDERED.

Dated this 12th day of June, 2018.



HON. WILLIAM H. ORRICK
United States District Judge