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21 **Counsel for Plaintiff**

22
23 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
24 SAN FRANCISCO DIVISION

25 CENTER FOR BIOLOGICAL DIVERSITY,)
)
26 Plaintiff,)
vs.)
27 DIRK KEMPTHORNE, et al.,)
)
28 Defendants.)

Case No. 3:08-cv-4594-PJH

**STIPULATION AND PROPOSED
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

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WHEREAS, this action concerns a challenge to the U.S. Fish and Wildlife Service's 2005 designation of critical habitat for the Pacific coast population of the threatened western snowy plover under the Endangered Species Act;

WHEREAS, a case management conference is set for January 8, 2009 at 2:30 p.m. in this action;

WHEREAS, Plaintiff and Federal Defendants are exploring settlement of this case and believe it would be more fruitful and efficient for the parties and the Court to allow a reasonable period for such settlement discussions to conclude or further develop before the case management conference; and

WHEREAS, the case management conference has not been previously continued.

Accordingly, IT IS HEREBY STIPULATED by and among the parties through their respective counsel, that with the approval of the Court, the case management conference in this action currently set for January 8, 2009 be continued to ~~March 12, 2009~~ April 2, 2009 at 2:30 p.m.

Respectfully submitted,

RONALD J. TENPAS
Assistant Attorney General
Environment and Natural Resources Division

JEAN E. WILLIAMS, Chief
LISA L. RUSSELL, Assistant Chief

Dated: December 23, 2008

By: /s/ Clifford E. Stevens, Jr.
CLIFFORD E. STEVENS, JR., Trial Attorney
Counsel for Defendants

Dated: December 23, 2008

By: /s/ Melissa Gale Thraikill
MELLISSA GALE THRAILKILL
Center for Biological Diversity

Dated: December 23, 2008

By: /s/ John T. Buse
JOHN T. BUSE

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Dated: December 23, 2008

Center for Biological Diversity

By: /s/ Andrew Orahoske
ANDREW ORAHOSKE
Center for Biological Diversity

Counsel for Plaintiff

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ORDER

PURSUANT TO STIPULATION, IT IS IT IS SO ORDERED.

Dated: 1/5/09

Honorable Phyllis J. Hamilton
United States District Judge

