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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

THE UNITED STATES OF AMERICA,)	Civil Action No. 09-CV-00437-PJH
)	
Plaintiff,)	
)	STIPULATED AGREEMENT AND
)	[PROPOSED] ORDER FOR SCHEDULING
)	MOTION PRACTICE
v.)	
THE CALIFORNIA DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Defendant.)	

1. Subject to Court approval and pursuant to Local Rule 16-2(e), the United States and the California Department of Transportation (the "parties") have agreed to establish a briefing schedule for summary judgment and dispositive motions. The proposed briefing

Stipulated Agreement and [Proposed] Order for Scheduling Motion Practice --
Civil Action No. 09-CV-00437-PJH

1 schedule will not alter previously agreed upon and ordered discovery deadlines or the date set for
2 trial.

3 2. The Court initially set a discovery cut-off date of October 13, 2010, and that
4 summary judgment and dispositive motions be heard by December 8, 2010.

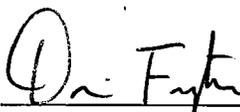
5 3. To allow time for the parties to receive transcripts and fully brief the Court, the
6 parties propose that that the schedule described in paragraph two be clarified and modified as
7 follows: Summary judgment and dispositive motions must be filed no later than November 10,
8 2010; responsive briefs must be filed by December 6, 2010; and reply briefs must be filed by
9 December 17, 2010. The parties also propose that hearings on such motions be scheduled at the
10 convenience of the Court but no earlier than January 21, 2011. The proposed schedule should
11 not impact the trial date scheduled for May 2, 2011.

12 We hereby consent to entry of the foregoing Stipulation.

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14 Respectfully submitted,

15 FOR THE UNITED STATES OF AMERICA:

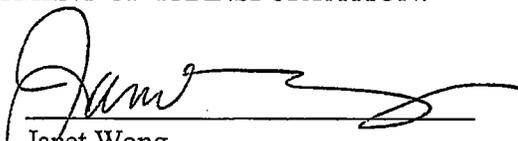
16
17 Date: August 2, 2010

18 

19 _____
20 Davis H. Forsythe
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24 Environment and Natural Resources Division
25 United States Department of Justice
26 601 D Street, N.W.
27 Washington, D.C. 20004

23 FOR THE CALIFORNIA DEPARTMENT OF TRANSPORTATION:

24
25 Date: July 30, 2010

26 
27 _____
28 Janet Wong
California Department of Transportation
595 Market Street, Suite 1700
San Francisco, CA 94105

Stipulation and [Proposed] Order for Scheduling Motion Practice –
Civil Action No. 09-CV-00437-PJH

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PURSUANT TO STIPULATION, IT IS SO ORDERED

DATE: 8/3/10

HONORABLE PHYLLIS J. HAMILTON
UNITED STATES DISTRICT JUDGE

