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*Counsel for Defendants*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

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CENTER FOR BIOLOGICAL DIVERSITY, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 U.S. FISH AND WILDLIFE SERVICE, and )  
 KEN SALAZAR, in his capacity as )  
 Secretary of the Interior, )  
 )  
 Defendants. )  

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No. 09-cv-3711-PJH

**THIRD STIPULATION ON  
EXTENSION OF TIME TO  
RESPOND TO OR ANSWER  
PLAINTIFF’S COMPLAINT**

Please be advised that the Plaintiff Center for Biological Diversity (“Plaintiff”) and the Defendants, the U.S. Fish and Wildlife Service and Ken Salazar (“Defendants”), through their respective undersigned counsel, submit the following stipulation regarding the deadline for responding to or answering Plaintiff’s Complaint for Declaratory and Injunctive Relief (Dock. No. 1) (“Complaint”), and state:

WHEREAS, Plaintiff served the Complaint concerning the Defendants' Endangered Species Act listing decision regarding the Sacramento splittail on August 17, 2009;

WHEREAS, the original deadline for responding to or answering the Complaint was October 16, 2009;

WHEREAS, on October 16, 2009, the parties requested an extension of time of 30 days to explore the possibility of settling this matter;

WHEREAS, on October 19, 2009, the Court granted the parties' first stipulation on extension of the time to respond to or answer the Plaintiff's Complaint, setting a new deadline for responding to or answering the Complaint of November 16, 2009;

WHEREAS, on November 12, 2009, the parties filed a second stipulation on extension of time, noting that the Parties had held initial settlement discussions, and requesting a second extension of time of three weeks to allow settlement discussions to continue without litigation;

WHEREAS, on November 12, 2009, the Court granted the parties' second stipulation on extension of the time to respond to or answer the Plaintiff's Complaint, setting a new deadline for responding to or answering the Complaint of December 7, 2009;

WHEREAS, since that time, the parties have had several additional meaningful discussions regarding settlement, and seek an additional thirty (30) day extension to allow those discussions to continue without litigation;

NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PLAINTIFF AND DEFENDANTS AS FOLLOWS:

1. Defendants' new deadline for responding to or answering the Complaint is January 6, 2010.

Respectfully submitted this 2nd day of December, 2009.

IGNACIA S. MORENO  
Assistant Attorney General  
Environment & Natural Resources Division

*/s/ J. Brett Grosko*

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*/s/ Lisa Belenky (with permission)*

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**IT IS SO ORDERED**

12/3/09

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UNITED STATES DISTRICT COURT



**CERTIFICATE OF SERVICE**

I hereby certify that I have caused the foregoing to be served upon counsel of record, as indicated below, through the Court's electronic service system (ECF/CM):

Lisa Belenky, Esq.

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Dated: December 2, 2009.

*/s/ J. Brett Grosko*

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Attorney for Defendants