

IGNACIA S. MORENO  
Assistant Attorney General  
Environment & Natural Resources Division  
United States Department of Justice  
Washington, D.C. 20530

J. BRETT GROSKO (Maryland Bar)  
Wildlife and Marine Resources Section  
Environment & Natural Resources Section  
United States Department of Justice  
P.O. Box 7369  
Washington, D.C. 20044-7369  
TEL: (202) 305-0342  
FAX: (202) 305-0275  
E-mail: brett.grosko@usdoj.gov

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

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

No. 09-cv-3711-PJH

**STIPULATION ON  
POSTPONEMENT OF CASE  
MANAGEMENT CONFERENCE  
SCHEDULED FOR  
DECEMBER 10, 2009**

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 postponement of the Case Management Conference currently scheduled for 2:00 p.m. Thursday, December 10, 2009 (Dock. Entry No. 9):

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, the Court has granted two stipulations postponing the deadline for answering or responding to the Complaint to explore the possibility of settlement of this matter and continue with settlement discussions;

WHEREAS, on December 2, 2009, the Parties requested an additional thirty days to allow ongoing settlement discussions to continue without litigation;

WHEREAS the Parties' settlement discussions have been meaningful and there is a significant possibility that the Parties will be able to settle this matter;

WHEREAS an ADR Phone Conference is scheduled in this matter for Monday, December 7, 2009 at 10:30 a.m.;

WHEREAS postponement of the Case Management Conference in anticipation of the Parties reaching a potential settlement of this matter would obviate the need for Federal Defendant's counsel to travel to the Case Management Conference scheduled for December 10, 2009, thereby saving Federal Defendants substantial travel time and expense;

WHEREAS the Federal Defendants acknowledge that due to counsel for the Federal Defendants' especially heavy caseload, including responding to a motion for summary judgment in the case styled WildEarth Guardians v. Salazar, No. 09-574 (D. Az.), the instant stipulation is being filed less than ten days prior to the scheduled Case Management Conference, as required by the Court's Order Scheduling Case Management Conference (Dock. Entry No. 9), but request the Court's indulgence in considering this stipulation for a continuance of the Case Management Conference;

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

1. The Parties jointly request that the Case Management Conference presently scheduled for December 10, 2009 be postponed.
2. The Court will set a new Case Management Conference at a later time as necessary.
3. The Case Management Report currently due December 3, 2009 will be due seven days before the rescheduled Case Management Conference.

Respectfully submitted this 2nd day of December, 2009.

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

*/s/ J. Brett Grosko*

---

J. BRETT GROSKO  
Trial Attorney (Md. Bar)  
Wildlife and Marine Resources Section  
Environment and Nat. Resources Div.  
U.S. Department of Justice  
P.O. Box 7369  
Washington, DC 20044-7369  
Ph: 202-305-0342/Fax: 202-305-0275  
[brett.grosko@usdoj.gov](mailto:brett.grosko@usdoj.gov)

*Counsel for Federal Defendants*

*/s/ Lisa Belenky*

---

LISA BELENKY (CA Bar. No. 203225)  
JUSTIN AUGUSTINE (CA Bar No. 235561)  
CENTER FOR BIOLOGICLA DIVERSITY  
351 California St., Suite 600  
San Francisco, CA 94104  
Tel: (415) 436-9682 x 307  
Fax: (415) 436-9683  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)

*Counsel for Plaintiff*

**IT IS SO ORDERED**

12/4/09

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.

E-mail: [lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)

Justin Augustine, Esq.

E-mail: [jaugustine@biologicaldiversity.org](mailto:jaugustine@biologicaldiversity.org)

Dated: December 2, 2009.

*/s/ J. Brett Grosko*

---

Attorney for Defendants