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15 *Attorneys for Plaintiffs*

16
 17 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 18 OAKLAND DIVISION

19 CENTER FOR BIOLOGICAL DIVERSITY,)
 20 *et al.*,)

4:12-cv-6325 SBA

21 Plaintiffs,
 22 v.

) **STIPULATION FOR**
) **EXTENSION OF TIME RE:**
) **ADMINISTRATIVE RECORD**

23 EXPORT-IMPORT BANK OF THE)
 UNITED STATES, *et al.*,)

24 Defendants.)
 25)
 26)
 27)
 28)

1 Pursuant to Local Rules 6-1, 6-2, and 7-12, the Parties jointly propose and stipulate to extend the
2 current January 31, 2014 deadline for notifying the Court whether the Parties agree that the
3 administrative record in this case is complete:

4 WHEREAS, on December 13, 2012, Plaintiffs Center for Biological Diversity, Pacific
5 Environment, and Turtle Island Restoration Network filed this action against Defendants Export-Import
6 Bank of the United States and Fred P. Hochberg, in his official capacity as Chairman and President of
7 the Bank. Plaintiffs alleged Defendants violated the Endangered Species Act (“ESA”), the National
8 Historic Preservation Act (“NHPA”), and the Administrative Procedure Act (“APA”) in funding a
9 natural gas project near Queensland, Australia. Plaintiffs amended their complaint on October 4, 2013,
10 alleging Defendants violated the same laws in funding a second, adjacent natural gas facility and further
11 alleging Defendants violated the Freedom of Information Act (“FOIA”) in failing to properly and timely
12 respond to Plaintiff’s FOIA request;

13 WHEREAS, on November 4, 2013, the Parties filed a Case Management Statement wherein the
14 Parties proposed that Defendants would submit the administrative record by December 20, 2013. The
15 Parties further proposed that, by January 31, 2014, (1) the Parties would file a status report notifying the
16 Court that the record is complete, or (2) Plaintiffs would file a motion regarding the
17 completeness/sufficiency of the record. Following a Telephone Case Management Conference on
18 November 13, 2013, the Court directed Defendants to file the administrative record by December 20,
19 2013 and directed the Parties to notify the Court whether the administrative record is complete by
20 January 31, 2014. The Court further set a Telephone Case Management Conference for March 5, 2014,
21 and pursuant to this Court’s Standing Order, the Parties must file a Case Management Statement by
22 February 24, 2014;

23 WHEREAS, on November 12, 2013, Defendants filed a motion to dismiss Plaintiffs’ ESA claim.
24 The motion is fully briefed and still pending before the Court. Defendants have not moved to dismiss
25 Plaintiffs’ NHPA or FOIA claims; and

26 WHEREAS, on December 19, 2013, Defendants filed their administrative record and privilege
27 log. On January 14, 2014, the Parties conferred regarding the sufficiency of the administrative record
28 and privilege log. Defendants are currently considering Plaintiffs’ requests for clarification and

1 supplementation. The Parties are working to resolve any dispute without the Court's intervention;
2 however, the Parties respectfully request additional time to address the issues raised.

3 Therefore, the Parties jointly propose and stipulate to the following:

- 4 (1) The Court will vacate the January 31, 2014 deadline regarding the administrative record to
5 allow the Parties additional time to resolve any record dispute;
- 6 (2) The Parties will continue to confer in good faith to resolve any record issues;
- 7 (3) In the Parties' February 24, 2014 Case Management Statement, Parties will notify the Court
8 whether they have resolved any disputes, and, if not, the Parties will propose a briefing
9 schedule for presenting any remaining disputes to the Court for resolution; and
- 10 (4) The Parties will propose a summary judgment briefing schedule within 10 days of the
11 Court's order granting or denying Defendants' motion to dismiss, the Parties' notice
12 regarding the completeness of the administrative record, or the Court's resolution of any
13 pending motions regarding the record, whichever is later.

14 The Parties do not believe this extension will substantially delay resolution of this case. To the
15 contrary, any resolution of administrative record issues without judicial intervention will negate the need
16 for any briefing on the issue.

17
18 Dated: January 29, 2014

Respectfully submitted,

19 /s/ Sarah Uhlemann
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED:

2

3 1/30/2014

4 Date


SAUNDRA BROWN ARMSTRONG
United States District Judge

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ATTORNEY ATTESTATION OF CONCURRENCE

I hereby attest that I have obtained concurrence in this filing for the signature of Defendants’ counsel indicated by a “conformed” signature (“/s/”) within this e-filed document.

DATED: January 29, 2014

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