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

19 CENTER FOR BIOLOGICAL DIVERSITY,) 4:12-cv-6325 SBA
 20 *et al.*,)
) JOINT CASE MANAGEMENT
 21 Plaintiffs,) STATEMENT AND ~~PROPOSED~~ SCHEDULE
 v.)
 22) Date: August 27, 2014
 23 EXPORT-IMPORT BANK OF THE) Time: 3:00 p.m.
 UNITED STATES, *et al.*,) Place: Conference Call
 24) Judge: Hon. Sandra Brown Armstrong
 Defendants.)

1 In advance of the case management conference scheduled for August 27, 2014, the parties
2 jointly submit this report on case management and proposed schedule:

3 **Procedural Posture**

4 On December 13, 2012, Plaintiffs Center for Biological Diversity, Pacific Environment, and
5 Turtle Island Restoration Network filed the above-captioned action against Defendants Export-Import
6 Bank of the United States and Fred P. Hochberg, in his official capacity as Bank Chairman and
7 President. After the Court denied Defendants' motion to transfer venue, Plaintiffs amended their
8 complaint on October 4, 2013. Plaintiffs allege that Bank funding for two natural gas projects violated
9 the Endangered Species Act ("ESA"), the National Historic Preservation Act ("NHPA"), and the
10 Administrative Procedure Act. Plaintiffs also separately allege Defendants have violated the Freedom of
11 Information Act ("FOIA").

12 On November 12, 2013, Defendants filed a motion to dismiss Plaintiffs' ESA claim but did not
13 move to dismiss the NHPA or FOIA claims. On August 12, 2014, the Court granted Defendants' motion
14 to dismiss Plaintiffs' ESA claim and provided Plaintiffs 21 days to amend their complaint. ECF No. 62.
15 Plaintiffs intend to amend their complaint.

16 Additionally, during the pendency of the motion to dismiss, the parties conferred regarding the
17 administrative record, and Defendants filed a supplemented/amended administrative record on May 29,
18 2014. ECF Nos. 54; 55. On May 30, 2014, the parties submitted a Joint Proposed Schedule and
19 Stipulation and committed to propose a summary judgment briefing schedule within 10 days of the
20 Court's order granting or denying Defendants' motion to dismiss. *See* ECF No. 57. The Court approved
21 that proposal on June 2, 2014. ECF No. 59. In light of Plaintiffs' stated intention to file an amended
22 complaint, however, the parties are not prepared to propose a summary judgment or other schedule until
23 the amended complaint has been filed and Defendants have reviewed the amendment and determined
24 how to respond.

25 **Proposed Schedule**

26 Accordingly, the parties propose the following schedule:

27 **September 2, 2014:** Last day for Plaintiffs to file an amended complaint.
28

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24 **ATTORNEY ATTESTATION OF CONCURRENCE**

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

27 DATED: August 19, 2014

28 /s/ Sarah Uhlemann
Sarah Uhlemann

1 IT IS SO ORDERED:

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3 8/27/2014
Date


SAUNDRA BROWN ARMSTRONG
United States District Judge

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