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

19 CENTER FOR BIOLOGICAL DIVERSITY,)
 20 *et al.*,)
 21 Plaintiffs,)
 22 v.)
 23 EXPORT-IMPORT BANK OF THE)
 24 UNITED STATES, *et al.*,)
 25 Defendants.)

4:12-cv-6325 SBA
STIPULATION AND ORDER SETTING
BRIEFING SCHEDULE

1 WHEREAS, Defendants moved to dismiss the First Claim for Relief in the Amended Complaint
2 on November 12, 2013. ECF No. 41;

3 WHEREAS, Defendants have filed the administrative record and a supplement thereto, and the
4 Parties have agreed that summary judgment briefing should proceed on that record. *See* ECF No. 57;

5 WHEREAS, on August 12, 2014, the Court issued an Order granting the motion to dismiss and
6 giving Plaintiffs leave to file an amended complaint within twenty-one days from the date of its Order.
7 ECF No. 62;

8 WHEREAS, on August 19, 2014, the Parties filed a Joint Case Management Statement and
9 Proposed Schedule. ECF No. 63. The Parties proposed that Plaintiffs file an amended complaint by
10 September 2, 2014 and that the Parties file a joint notice and proposed schedule by September 12, 2014
11 in which Defendants would state how they intend to respond to the amended complaint and the Parties
12 would propose an appropriate briefing schedule for all claims. *Id.*;

13 WHEREAS, Plaintiffs filed a Second Amended Complaint on August 25, 2014. ECF No. 64;

14 WHEREAS, on August 27, 2014, the Court held a Case Management Conference and signed the
15 Order granting the Parties' proposed schedule. ECF Nos. 65, 66;

16 WHEREAS, Defendants have reviewed the Second Amended Complaint and intend to move to
17 dismiss the First Claim for Relief;

18 WHEREAS, as a record review case, trial is unnecessary and the merits of Plaintiffs' claims that
19 remain after the motion to dismiss can be resolved on cross-motions for summary judgment; and

20 WHEREAS, to facilitate a more expeditious resolution of this case, the Parties have agreed on a
21 process to soon begin summary judgment briefing on the Second and Third Claims for Relief.

22 The Parties thus stipulate, subject to the Court's approval, to the following:

23 (1) Defendants will file a motion to dismiss the First Claim for Relief in the Second Amended
24 Complaint by October 10, 2014; Plaintiffs will file an opposition to the motion to dismiss by October
25 31, 2014; Defendants will file a reply in support of their motion to dismiss by November 14, 2014;
26 Defendants will notice the hearing for November 25, 2014.

27 (2) Plaintiffs will file a motion for summary judgment by March 1, 2015. If, prior to February
28 24, 2015, the Court has granted or has yet to rule on the motion to dismiss, Plaintiffs' motion for

1 summary judgment will address only the Second and Third Claims for Relief; Defendants will file a
2 combined opposition and cross-motion for summary judgment by May 1, 2015; Plaintiffs will file a
3 combined reply in support of their motion for summary judgment and opposition to Defendants' cross-
4 motion for summary judgment by June 10, 2015; Defendants will file a reply in support of their cross-
5 motion for summary judgment by July 1, 2015.

6 (3) Within seven days of any denial of the motion to dismiss, the Parties may propose, as
7 appropriate, a modification to the above summary judgment briefing schedule to allow Plaintiffs time to
8 include the First Claim for Relief in their motion, or a separate summary judgment briefing schedule for
9 the First Claim for Relief.

10 Dated: September 12, 2014

Respectfully submitted,

11 SAM HIRSCH, Acting Assistant Attorney General
12 U.S. Department of Justice
13 Environment & Natural Resources Division

14 /s/ Meredith L. Flax

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1 ATTORNEY ATTESTATION OF CONCURRENCE

2 I hereby attest that I have obtained concurrence in the filing for the signature of all counsel indi-
3 cated by a “conformed” signature (“/s/”) within this e-filed document, in accordance with Civil L.R. 5-
4 1(i).

5 Dated: September 12, 2014

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