

1 JEANNE SCHERER, Chief Counsel  
 2 LUCILLE Y. BACA, Assistant Chief Counsel  
 3 DEREK S. VAN HOFTEN (SBN 226880)  
 4 STACY J. LAU (SBN 254507)  
 5 BRANDON S. WALKER (SBN 254851)  
 6 MICHAEL A.G. EINHORN (SBN 252462)  
 7 111 Grand Avenue, Suite 11-100, Oakland, CA 94612  
 8 Telephone: (510) 433-9100, Facsimile: (510) 433-9167

9 Attorneys for Defendants CALIFORNIA DEPARTMENT  
 10 OF TRANSPORTATION; MALCOLM DOUGHERTY

11 UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 THE COYOTE VALLEY BAND OF POMO )  
 14 INDIANS OF CALIFORNIA, et al., )

15 Plaintiffs, )

16 v. )

17 UNITED STATES DEPARTMENT OF )  
 18 TRANSPORTATION, et al., )

19 Defendants. )  
 20 )  
 21 )  
 22 )  
 23 )

NO. 4:15-cv-04987-JSW

**STIPULATION AND [PROPOSED]  
 ORDER TO AMEND CASE  
 SCHEDULE FOR FURTHER  
 SETTLEMENT DISCUSSIONS**

AS MODIFIED HEREIN AND CONTINUING  
 Dept.: Courtroom 5 CASE MANAGEMENT  
 Judge: Hon. Jeffrey S. White CONFERENCE

24 WHEREAS, following the May 18, 2016, settlement discussions at the U.S. District Court  
 25 before Howard Herman, Director of the Court’s ADR Program, Plaintiffs and Defendants California  
 26 Department of Transportation and Malcolm Dougherty (“Caltrans”) have exchanged proposed  
 27 settlement agreements, as previously agreed to by the parties and as reflected in their previous  
 28 stipulation submitted to this Court (ECF 50);

WHEREAS, Plaintiffs and Caltrans agree that the settlement discussions have been  
 productive to date and that further settlement discussions would be worthwhile, and have agreed to  
 such discussions continuing, and possible subsequent settlement meetings as warranted;

1 WHEREAS, to help facilitate these additional settlement discussions, Plaintiffs and Caltrans  
2 agree that an additional short extension of the date for lodging the administrative records in this  
3 action is appropriate;

4 WHEREAS, the requested extension of time for the record will not necessitate any other  
5 changes to the current case schedule, which next presents a case management conference on July 8,  
6 2016;

7 NOW THEREFORE, by and through their undersigned counsel, the parties do hereby  
8 stipulate as follows:

- 9 1. The date for lodging the administrative records in this action, currently set for June 27,  
10 2016 (ECF 50), shall be extended to July 7, 2016, and any motion to extend that deadline  
11 further shall be filed by June 24, 2016.
- 12 2. The date for motions regarding disputes over the contents of the administrative records,  
13 currently set for July 11 (ECF 51), shall be extended to July 25, 2016.

14 DATED: June 17, 2016

15 JEANNE SCHERER  
16 LUCILLE Y. BACA  
17 DEREK S. VAN HOFTEN  
18 STACY LAU  
19 BRANDON WALKER

20 By: /s/ Derek S. van Hoften  
21 Attorneys for Defendants  
22 CALIFORNIA DEPT. OF TRANSP.;  
23 MALCOLM DOUGHERTY

24 DATED: June 17, 2016

25 COTCHETT, PITRE & McCARTHY, LLP

26 By: /s/ Philip L. Gregory  
27 PHILIP L. GREGORY  
28 Attorneys for Plaintiffs

DATED: June 17, 2016

JOHN C. CRUDEN  
Assistant Attorney General  
Environment and Natural Resources Division

By: /s/ David B. Glazer  
DAVID B. GLAZER  
Attorney for Federal Defendants


1 ~~PROPOSED~~ ORDER

2 IT IS HEREBY ORDERED THAT:

3 Pursuant to stipulation of the parties, the case schedule in this matter is hereby amended as  
4 follows:

- 5 1. The administrative records in this action shall be lodged by July 7, 2016, and any motions to  
6 extend that deadline shall be filed by June 24, 2016.
- 7 2. Any motions regarding disputes over the contents of the administrative records shall be filed  
8 by July 25, 2016.
- 9 3. In light of the pending motion to dismiss, the Court continues the case management conference from  
10 July 8, 2016 to August 12, 2016, at 11:00 a.m. A joint case management statement shall be due by  
11 August 5, 2016. If any party believes a ruling on the motion would facilitate settlement discussions, that  
12 IT IS SO ORDERED. party shall file a notice to that effect by July 1, 2016.

13 Dated: June 20, 2016

  
14 HON. JEFFREY S. WHITE  
15 United States District Judge