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and SCHMIDBAUER BUILDING SUPPLY, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ECOLOGICAL RIGHTS FOUNDATION;

Plaintiffs,

v.

SCHMIDBAUER LUMBER, INC. and
SCHMIDBAUER BUILDING SUPPLY, LLC,

Defendants.

Case No.: 4:16-CV-07401-HSG

Date Filed: December 30, 2016
Trial Date: None Set

**STIPULATION AND ORDER TO VACATE
CASE MANAGEMENT CONFERENCE ON
JULY 12, 2017**

This stipulation and proposed order is made by and between Plaintiff Ecological Rights Foundation (“Plaintiff”) and Defendants Schmidbauer Lumber, Inc. and Schmidbauer Building Supply LLC (“Defendants”) (collectively referred to herein as “the Parties”). The Parties hereby stipulate to vacate the Case Management Conference scheduled for July 12, 2017 at 2:00 P.M. and the related deadline for the Case Management Statement due July 5, 2017.

Whereas the Parties intended to stipulate to vacate the Conference when they requested Judge Gilliam sign the Order Regarding Settlement [Document 35, filed June 14, 2017], vacating all future case management deadlines. As the Parties have settled the case and Defendants are preparing to implement the Consent Decree, requiring the Parties to travel and appear before the

1 Court for the Case Management Conference is not an efficient use of financial resources. The
2 Parties respectfully request the Court vacate the case management deadlines in consideration of the
3 Court's calendar and opportunity to remove unnecessary hearings.

4 Whereas the Parties filed a Joint Case Management Statement on March 28, 2017 [Document
5 26] prior to the initial scheduled date for the Case Management Conference of April 4, 2017. The
6 Conference has since been continued to July 12, 2017 through several stipulations and orders
7 [Documents 28, 33, 36]. Therefore, requiring the Parties to refile an additional Case Management
8 Statement would be excessive. The Parties respectfully request the Court vacate the deadline of July
9 5, 2017 to file another Case Management Statement.

10 Alternatively, whereas the Department of Justice has indicated it will complete its review of
11 the Consent Decree on July 20, 2017, and if the Court is not willing to completely vacate the Case
12 Management Conference scheduled for July 12, 2017, the Parties request the Court continue the
13 Conference to a later date in August, with the understanding that once the Department of Justice has
14 approved the Consent Decree, the Parties will again ask the Court to sign the Consent Decree and
15 vacate the Case Management Conference once more.

16
17 Date: June 23, 2017

ENVIRONMENTAL ADVOCATES

18
19 /s/ Jodene Isaacs (as authorized on June 23, 2017)

20 Christopher Sproul
21 Jodene Isaacs
22 Attorneys for Plaintiff ECOLOGICAL RIGHTS
23 FOUNDATION

24
25 Date: June 23, 2017

GREBEN & ASSOCIATES

26
27 /s/ Jan Greben

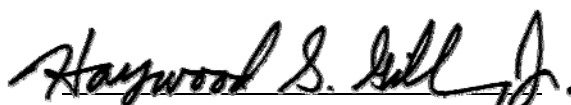
28 Jan A. Greben
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INC. and SCHMIDBAUER BUILDING SUPPLY,
LLC

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ORDER

Good cause appearing, and based on the stipulation of the Parties, IT IS SO ORDERED that the Case Management Conference scheduled for July 12, 2017 is continued to August 15, 2017 before Judge Haywood S. Gilliam, Jr., at 2:00 p.m., in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA. Case Management Statement due by August 8, 2017.

DATED: June 23, 2017


Hon. Judge Haywood S. Gilliam, Jr.