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15 Attorneys for Defendants

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

19 JACK GESCHEIDT, *et al.*,

20 Plaintiffs,

21 v.

22 DEB HAALAND, Secretary of Interior, *et al.*,

23 Defendants.

Case No. 4:21-cv-4734-HSG

**STIPULATION AND ORDER  
REGARDING SUPPLEMENTATION OF  
ADMINISTRATIVE RECORD**

Hon. Haywood S. Gilliam, Jr.

25 Plaintiffs and Defendants, through their undersigned counsel, hereby stipulate as follows:

26 WHEREAS, on October 12, 2021, Defendants filed the Certified Administrative Record  
27 (“CAR”) for this action. ECF Nos. 39-47.

1 WHEREAS, Plaintiffs seek to supplement the CAR with the following documents (collectively,  
2 “Plaintiffs’ Supplemental Documents”):

- 3 • Letter dated August 13, 2020 to the NPS from Katherine Meyer on behalf of the Center for  
4 Biological Diversity requesting that NPS take actions to ensure the Tule elk have access to  
5 sufficient water;
- 6 • Necropsies conducted on Tule elk found dead or euthanized in Point Reyes National  
7 Seashore since 2012;
- 8 • Letter submitted to Secretary Haaland on behalf of five wildlife biologists, dated June 24, 2021,  
9 expressing their collective concerns about the lack of forage and water available to the Tule Elk  
10 at Tomales Point;
- 11 • Letter from Plaintiffs’ counsel to Defendants’ counsel dated August 16, 2021, outlining  
12 worsening conditions at Tomales Point, including photographs and video footage;
- 13 • Cobb, McCrea, *Spatial Ecology and Population Dynamics of tule elk at Point Reyes National  
14 Seashore, California* (Summer 2010);

15 WHEREAS, the Parties wish to avoid unnecessary litigation regarding the propriety of  
16 supplementing the CAR with Plaintiffs’ Supplemental Documents.

17 NOW THEREFORE, the Parties hereby STIPULATE, by and through their undersigned counsel,  
18 that Plaintiffs’ Supplemental Documents shall be filed with the Court in a Supplemental Administrative  
19 Record (“SAR”) to be prepared and filed by Plaintiffs on or before November 22, 2021. Plaintiffs may  
20 cite to and rely upon the SAR, provided, however, that the filing of the SAR does not constitute, and  
21 shall not be construed as, an admission or evidence that Plaintiffs’ Supplemental Documents (a) are  
22 relevant to the claim asserted in Plaintiffs’ First Amended Complaint or to Defendants’ defenses thereto;  
23 or (b) were or should have been considered by Defendants with respect to any alleged action or inaction,  
24 including but not limited to whether or not to revise the 1980 Point Reyes National Seashore General  
25 Management Plan.

26 DATED: November 17, 2021

Respectfully submitted,

STEPHANIE M. HINDS  
Acting United States Attorney

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/s/ David M. DeVito<sup>1</sup>  
DAVID M. DEVITO  
Assistant United States Attorney

*Attorneys for Defendants*

TODD KIM  
Assistant Attorney General  
Environment & Natural Resources Division

/s/ Matthew P. Rand  
Matthew P. Rand  
Trial Attorney

Dated: November 17, 2021

Respectfully submitted,

/s/ Kate Barnekow  
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Attorney for Plaintiffs

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<sup>1</sup> In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that counsel for Plaintiffs has concurred in the filing of this document.

1 **ORDER**

2 Pursuant to stipulation of the Parties, it is hereby ordered that:

3 1. On or before November 22, 2021, Plaintiffs shall file the Supplemental Administrative  
4 Record consisting of Plaintiffs' Supplemental Documents.

5 2. Plaintiffs may cite to and rely upon Plaintiffs' Supplemental Documents, provided,  
6 however, that the filing of the SAR with the Court does not constitute, and shall not be construed as, an  
7 admission or evidence that Plaintiffs' Supplemental Documents (a) are relevant to the claim asserted in  
8 Plaintiffs' First Amended Complaint or Defendants' defenses thereto; or (b) were or should have been  
9 considered by Defendants with respect to any alleged action or inaction, including but not limited to  
10 whether or not to revise the 1980 Point Reyes National Seashore General Management Plan ("GMP").

11  
12 DATED: 11/17/2021

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14 HONORABLE HAYWOOD S. GILLIAM, JR.  
15 United States District Judge  
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