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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN JOSE DIVISION**

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11 _____)
12 THE OTTER PROJECT and)
13 ENVIRONMENTAL DEFENSE CENTER,)

14 Plaintiffs,)

15 v.)

16 KEN SALAZAR, ROWAN GOULD,)
17 UNITED STATES DEPARTMENT OF)
18 THE INTERIOR, UNITED STATES FISH)
& WILDLIFE SERVICE,)

19 Defendants,)

20 CALIFORNIA SEA URCHIN)
21 COMMISSION, PETER HALMAY,)
22 HARRY LIQUORNIK, CALIFORNIA)
23 ABALONE ASSOCIATION, SONOMA)
COUNTY ABALONE NETWORK,)

24 Intervenor-Defendants.)
25 _____)

No. C 09-4610 JW

STIPULATION AND [PROPOSED]
ORDER ESTABLISHING BRIEFING
SCHEDULE AND REFERRING CASE
TO JUDGE LAPORTE FOR
SETTLEMENT CONFERENCE

26 Pursuant to Civil L.R. 7-12 this Stipulation is entered into by and between Plaintiffs, The
27 Otter Project and Environmental Defense Center, Federal Defendants, Ken Salazar, Secretary of
28 the United States Department of the Interior, Rowan Gould, Acting Director of the U.S. Fish &
Stipulation re: Briefing Schedule
and Settlement Conference

1 Wildlife Service, the United States Department of the Interior, and the United States Fish &
2 Wildlife Service, and Intervenor-Defendants, California Sea Urchin Commission, Peter Halmay,
3 Harry Liquornik, California Abalone Association, and Sonoma County Abalone Network.

4 WHEREAS, on May 20, 2010, the Court entered a Scheduling Order in this matter (Doc.
5 No. 49);

6 WHEREAS, the Scheduling Order establishes dates for completion of briefing and
7 hearing the parties' cross-motions for summary judgment, but does not establish a briefing
8 schedule;

9 WHEREAS, the parties have agreed to a briefing schedule consistent with the Scheduling
10 Order;

11 WHEREAS, the parties have participated in two conference calls with the Alternative
12 Dispute Resolution ("ADR") program, and have agreed that a Settlement Conference before a
13 magistrate judge may aid resolution of this matter;

14
15 NOW, THEREFORE, the parties stipulate as follows:

- 16 1. Defendants shall file and serve the Administrative Record on or before August 16, 2010.
- 17 2. Plaintiffs or Intervenor-Defendants shall file any motion challenging the contents of the
18 Administrative Record on or before September 14, 2010. The filing of such a motion
19 shall vacate any summary-judgment briefing and hearing schedule.
- 20 3. The parties shall file their motions for summary judgment on or before September 17,
21 2010.
- 22 4. The parties shall file oppositions to motions for summary judgment by October 8, 2010.
- 23 5. The parties shall file summary-judgment replies by October 22, 2010.
- 24 6. The Court finds good cause to refer this case to Magistrate Judge Laporte for a
25 Settlement Conference. On or before **July 2, 2010**, the parties shall contact Judge Laporte's
26 Chambers to schedule their settlement conference.

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/s/ Brian Segee (by LEF, as authorized 6/18/10)
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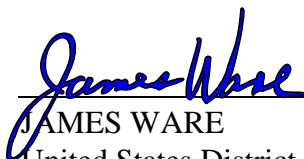
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Attorneys for Intervenor-Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

Dated: June 25, 2010



JAMES WARE
United States District Judge