

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

THE OTTER PROJECT and
ENVIRONMENTAL DEFENSE CENTER,

Plaintiffs,

v.

KEN SALAZAR, ROWAN GOULD,
UNITED STATES DEPARTMENT OF
THE INTERIOR, UNITED STATES FISH
& WILDLIFE SERVICE,

Defendants,

CALIFORNIA SEA URCHIN
COMMISSION, PETER HALMAY,
HARRY LIQUORNIK, CALIFORNIA
ABALONE ASSOCIATION, SONOMA
COUNTY ABALONE NETWORK,

Intervenor-Defendants.

No. C 09-4610 JW

**STIPULATION AND ~~PROPOSED~~
ORDER STAYING PROCEEDINGS
FOR TEN DAYS**

Pursuant to Civil L.R. 7-12 this Stipulation is entered into by and between Plaintiffs, The
Otter Project and Environmental Defense Center, Federal Defendants, Ken Salazar, Secretary of

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

5 WHEREAS, on August 17, 2010, the Court approved the parties' stipulation (Doc. No.
6 49), setting the parties' cross-motions for summary judgment for hearing on January 24, 2011,
7 establishing December 20, 2010, as the date for completion of summary judgment briefing, and
8 establishing October 18, 2010 as the date for production of the Administrative Record.

9 WHEREAS, the parties have engaged in settlement discussions that have proven
10 productive, and have reached tentative agreement at the staff level on a written agreement to
11 settle the merits this litigation;

12 WHEREAS, the parties need additional time to discuss provisions relating to attorneys'
13 fees, and Federal Defendants would need additional time to gain approval from supervisory
14 officials at the Departments of Justice and the Interior;

15 WHEREAS, the parties wish to continue the settlement discussions and to concentrate
16 their resources on settling, rather than litigating, this matter;

17 WHEREAS, the parties believe that the briefing schedule should be extended so as not
18 needlessly to divert all parties' resources into litigation rather than settlement activities;

19 WHEREAS, the parties agree that a 10-day stay of this case is appropriate;

20 NOW, THEREFORE, the parties stipulate as follows:

- 21 1. All proceedings in this case are stayed for 10 days.
- 22 2. The parties shall file a proposal for further proceedings, if any, on October 25, 2010.
- 23 3. The present summary-judgment briefing and hearing schedule shall remain in effect.

24
25 October 15, 2010

Respectfully Submitted,

26 /s/ Brian Segee (by LEF, as authorized 10/15/10)
27 Linda J. Krop (Cal. Bar. No. 118773)
28 Brian Segee (Cal. Bar No. 200795)

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9 SETH M. BARSKY, Acting Section Chief

10 /s/ Lawson E. Fite
11 LAWSON E. FITE, Trial Attorney
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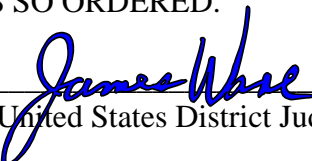
22 Attorneys for Federal Defendants

23 /s/ George J. Mannina, Jr. (by LEF, as authorized
24 10/15/10)
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PURSUANT TO THE STIPUATION, IT IS SO ORDERED.

Dated: October 20, 2010


United States District Judge