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Attorney for Defendants

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

LOS PADRES FORESTWATCH, a non-profit)
organization,)
)
Plaintiff,)
)
v.)
)
UNITED STATES FOREST SERVICE, PEGGY)
HERNANDEZ, in her official capacity as Forest)
Supervisor for the Los Padres National Forest,)
)
Defendants.)
)
_____)
)

Case No. C 10-03653

**THIRD JOINT STIPULATED
REQUEST TO CONTINUE
PRELIMINARY INJUNCTION
HEARING; ~~PROPOSED~~ ORDER**

Date: December 16, 2010
Time: 1:30 p.m.
Courtroom 4, 5th Floor

Honorable Lucy H. Koh (LHK)

1
2 Plaintiff Los Padres ForestWatch and Defendants United States Forest Service and Peggy
3 Hernandez (together the “parties”) hereby respectfully request this Court to grant a third continuance
4 of the preliminary injunction. In support of this request the parties states the following.

5 As detailed in the parties’ joint statement of October 27, 2010 (Dkt. # 29), the parties have
6 been engaged in good faith discussions to resolve this lawsuit through a negotiated settlement. The
7 parties have made significant progress regarding the completion of a global settlement of all issues
8 and believe that a continuance will allow them to reach a complete settlement, thereby resulting in
9 a dismissal of this case. Since the parties’ last request, the U.S. Fish and Wildlife Service issued a
10 letter in response to the consultation initiated by the U.S. Forest Service. This letter was sent to
11 Plaintiff on Friday, November 12, 2010. On Friday, November 19, 2010, Plaintiff sent to Defendants
12 a final global settlement offer. Defendants reviewed Plaintiff’s offer and submitted to Plaintiff a
13 counteroffer on Monday, November 29, 2010. Plaintiff has reviewed the offer and communicated
14 a response to the Forest Service on December 1, 2010.

15 On account of the Thanksgiving holiday and the review of additional materials not covered
16 in the U.S. Fish and Wildlife’s consultation response, the settlement process has required more time
17 than anticipated. For this reason, the parties respectfully request that the Court grant the parties an
18 additional 30 day extension. Based on the offers that have been exchanged, the parties believe that
19 a global settlement can be reached within the next 30 days. During this time, the parties agree to the
20 terms and conditions contained in the Court’s Order of October 27, 2010.

21 Dated: December 1, 2010

22 /s/ Michael W. Graf
Michael W. Graf
Attorneys for Plaintiff

23 /s/Peter C. Whitfield
Peter C. Whitfield,
24 United States Department of Justice
25 Attorneys for Defendants

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28 thirdrequestforextension.wpd

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

The Court, having reviewed the Joint Stipulated Request to Continue Preliminary Injunction Hearing, hereby continues the hearing currently set for December 16, 2010 at 1:30 p.m. to January 20, 2011 at 1:30 p.m.

Defendants' brief in response to Plaintiff's motion shall be due ten (10) days before the hearing date and Plaintiff's reply in support of its motion shall be due five days before the hearing date. If a final settlement is reached, the parties shall file a stipulation of dismissal and request to vacate the hearing as soon as practicable, but no later than Monday, January 10, 2011.

Dated: December 2, 2010


Honorable Lucy H. Koh (LHK)
United States District Judge