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5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF NEVADA

8
9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12
13 JAMES F. HOWARD, JR.,

14 Defendant.

Civil No. 2:09-CV-01533-RCJ-GWF

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16 **STIPULATION AND JOINT MOTION TO STAY FURTHER**
17 **PROCEEDINGS FOR A PERIOD OF SIXTY (60) DAYS**
18 **(Second Request for Stay)**

19 **(Third Request for Extension to Respond to Plaintiff's Motion)**

20 Come now Plaintiff UNITED STATES OF AMERICA and Defendant JAMES F.
21 HOWARD, JR. ("Defendant"), by and through undersigned counsel, and submit this
22 Stipulation and Joint Motion to extend the stay of further proceedings herein, including
23 Plaintiff's Motion For Judgment On The Pleadings, for an additional period of forty-five (45)
24 days.
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27 In support of this Stipulation and Joint Motion, the parties submit the following:

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1 1. Since the last stipulation filed by the parties, Defendant JAMES HOWARD
2 (“Defendant”) and several representatives of the U.S. Forest Service have had a number
3 of meetings at the site of the property involved in this case (“subject property”). During
4 those meetings, those present discussed exactly what damages to the natural condition
5 of the subject property had been caused by Defendant’s alleged trespasses. Also
6 discussed was the remedial steps the Forest Service believed needed to be taken in order
7 to restore the subject property to its original, natural condition.

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9 2. As a result of these meetings, Defendant has, during the last sixty (60) days, undertaken
10 extensive reclamation work at and on the subject property, including hauling debris,
11 rocks, and trash away; leveling portions of the ground; relocating a equipment housed
12 on the subject property; and removing dead vegetation. The parties are pursuing those
13 details presently and need about sixty (60) days to finalize the details and for Defendant
14 to complete the remedial, corrective work.

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17 4. Defendant’s remedial work has been followed by the representatives of the Forest
18 Service as the work has progressed and those representatives have given input,
19 suggestions, and directions at various times during last sixty (60) days.

20 5. Most of the heavy, time consuming work has been completed, but additional time is
21 needed to finalize and execute a plan of re-vegetation of the subject property. If all
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1 goes as the parties hope, this case will settle in its entirety during or at the conclusion of
2 the requested additional forty-five (45) day stay.

3 DATED: 21 July 2010


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5 **JOHN R. LUSK, ESQ.**

DANIEL G. BOGDEN
U.S. ATTORNEY

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333 Las Vegas Blvd., So. #5000
Attorneys for Plaintiff

13 IT IS SO ORDERED this 22nd day of July, 2010.

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17 Gloria M. Navarro
18 United States District Judge
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