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7 Attorneys for Defendants

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 9 **UNITED STATES DISTRICT COURT**  
 10 **DISTRICT OF NEVADA**

11 CENTER FOR BIOLOGICAL DIVERSITY, )  
 12 et alia, )  
 13 Plaintiffs, ) Case No. 2:13-cv-1785-RFB-GWF  
 14 v. )  
 15 SONNY PERDUE, in his official capacity as )  
 Secretary of the U.S. Department of )  
 16 Agriculture; )  
 et alia, )  
 17 Defendants. )

18 **UNOPPOSED MOTION AND [PROPOSED] ORDER**  
 19 **TO LIFT STAY AND RESET MOTION DEADLINE**

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 21 Defendants, by and through undersigned counsel, hereby move the Court to lift the stay of  
 22 litigation and to also reset the deadline to file a motion under Fed. R. Civ. P. 54(d).

23 1. By Minute Order dated January 14, 2019, the Court stayed this matter based on the fact that  
 24 appropriations for the U.S. Department of Justice and Defendants had lapsed. ECF 118. That Order  
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 26

1 also set the time for a party to file a motion under Fed. R. Civ. P. 54(d) to be thirty days after the stay is  
2 lifted. ECF 118.

3 2. Appropriations for Defendants and the U.S. Department of Justice have been restored effective  
4 January 25, 2019. Accordingly, Defendants now move the Court to lift the stay of litigation.

5 3. The Parties have conferred and also request that the Court set the deadline for a motion under  
6 Fed. R. Civ. P. 54(d) to be seventy-five (75) days after the stay is lifted. This time will allow the parties  
7 to attempt to resolve the matter of attorneys' fees and expenses before presenting it to the Court.  
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9 5. Counsel for Plaintiffs has authorized counsel for Defendants to state that Plaintiffs consent to this  
10 motion.

11 WHEREFORE, Defendants request that the Court grant this motion, and enter an order lifting  
12 the stay of litigation and requiring that any motion under Fed. R. Civ. P. 54(d) be filed seventy-five (75)  
13 days after the stay is lifted.  
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15 Respectfully submitted this 31st day of January, 2019.

16 JEAN E. WILLIAMS  
17 Deputy Assistant Attorney General

18 /s/ John H. Martin  
19 John H. Martin, Colo. Bar No. 32667  
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Attorneys for Defendants

UNOPPOSED MOTION AND ORDER  
TO LIFT STAY AND RESET MOTION DEADLINE

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IT IS SO ORDERED:



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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

DATED: February 5, 2019.

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2 **Proof of Service**

3 I, John H. Martin certify that the following individuals were served with this Unopposed Motion  
4 on this date by the below identified method of service:

5 **Electronic Case Filing:**

6 William S. Eubanks II - beubanks@meyerglitz.com

7 Eric R. Glitzenstein - eglitzenstein@meyerglitz.com

8 Henry K. Egghart - hegghart@nvcbell.net

9 DATED this 31st day of January 2019.

10  
11 */s/ John Martin*  
12 John H. Martin  
13 Trial Attorney  
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