

DAVID H. BECKER, ESQ. (Pro Hac Vice)
Oregon Bar No. 081507
Law Office of David H. Becker, LLC
917 SW Oak St., Suite 409
Portland, Oregon 97205
(503) 388-9160
davebeckerlaw@gmail.com

DAVID H. BAHR, ESQ. (Pro Hac Vice)
Oregon Bar No. 90199
Bahr Law Offices, P.C.
1035 1/2 Monroe St.
Eugene, Oregon 97402
(541) 556-6439
davebahr@mindspring.com

WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP
CHRISTOPHER W. MIXSON, ESQ.
Nevada Bar No. 10685
5594-B Longley Lane
Reno, Nevada 89511
(775) 853-6787/Fax: (775) 853-6774
cmixson@wrslawyers.com

Attorneys for Plaintiff Basin and Range Watch

DANIEL G. BOGDEN
United States Attorney
District of Nevada
TROY K. FLAKE
Assistant United States Attorney
U.S. Attorney's Office
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: 702-388-6336
Facsimile: 702-388-6787
Email: troy.flake@usdoj.gov

Attorneys for the Federal Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BASIN AND RANGE WATCH,

Plaintiff,

v.

BUREAU OF LAND MANAGEMENT
AND THE U.S. DEPARTMENT OF THE
INTERIOR,

Defendants.

Civil Action No.: 2:16-cv-00403 JCM-PAL

**JOINT MOTION FOR CONTINUATION OF
STAY OF BRIEFING SCHEDULE
(THIRD REQUEST)**

Plaintiff Basin and Range Watch and Defendants Bureau of Land Management and U.S. Department of the Interior submit this joint motion requesting that the Court extend the stay of the briefing schedule in this matter until 14 days after the parties have briefed and the Court has decided a

1 motion by Plaintiff pursuant to LR 26-4 and 26-7 to reopen and take discovery in this matter.

2 This case arises out of Plaintiff's Freedom of Information Act (FOIA) requests to the Federal
3 Defendants. In responding to the FOIA requests, the Federal Defendants withheld some information
4 pursuant to FOIA's Exemption Four. Plaintiff brought this action seeking disclosure of the information
5 and alleging that the Federal Defendants failed to comply with FOIA.

6 The Federal Defendants filed their Motion for Summary Judgment on July 5, 2016. ECF# 20.
7 Plaintiff filed its Response and Countermotion on August 9, 2016. ECF## 21, 25. On September 27,
8 2016, the Court stayed the case (ECF #27) to allow the parties to pursue settlement discussions. The
9 Federal Defendants produced all information responsive to Plaintiff's original FOIA requests.

10 Before proceeding with further briefing on the merits or regarding attorney fees in this case,
11 Plaintiff has determined that it needs to seek limited discovery from Federal Defendants regarding their
12 determinations to first withhold, and later release, the requested documents, because Plaintiff bears the
13 burden of showing eligibility for, and entitlement to, attorneys' fees if it should seek them.

14 Lead counsel for plaintiff is traveling out of the country during the next two weeks, which also
15 involve two federal holidays. Plaintiff accordingly proposes to file its motion for leave to reopen and
16 take discovery by December 9, 2016. Federal Defendants intend to oppose this motion, but do not
17 oppose the proposed date for filing Plaintiff's motion. The parties respectfully request that the Court
18 continue the stay until 14 days after the Court has ruled on the Plaintiff's discovery motion.


19 Respectfully submitted this 10th day of November 2016.

20 DANIEL G. BOGDEN
21 United States Attorney

22 /s Troy K. Flake
23 Troy K. Flake
Assistant United States Attorney
Of Attorneys for Federal Defendants

/s David H. Becker
DAVID H. Becker, ESQ., *Pro Hac Vice*
Of Attorneys for Plaintiff

It is so ordered.


United States Magistrate Judge

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25 Date: November 15, 2016
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