

Counsel for Intervenor-Defendants Taylor Shellfish Co., Inc. and Pacific Coast Shellfish Growers Association

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

CENTER FOR FOOD SAFETY, a non-profit corporation,

Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS, *ET AL.*,

Defendants,

and

PACIFIC COAST SHELLFISH GROWERS ASSOCIATION,

Intervenor-Defendant

) Case No. 2:17-cv-01209-RSL

)
)
) **STIPULATED MOTION TO REVISE
SCHEDULE FOR SUMMARY
JUDGMENT BRIEFING AND
~~PROPOSED~~ ORDER**

)
) **NOTE ON MOTION CALENDAR: March
29, 2018**

THE COALITION TO PROTECT PUGET SOUND HABITAT, a non-profit Corporation,

Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS, *ET AL.*,

Defendants,

and

TAYLOR SHELLFISH COMPANY, INC.,

Intervenor-Defendant

) Case No. 2:16-cv-00950-RSL

)
)
) **STIPULATED MOTION TO REVISE
SCHEDULE FOR SUMMARY
JUDGMENT BRIEFING AND
~~PROPOSED~~ ORDER**

)
) **NOTE ON MOTION CALENDAR: March
29, 2018**

STIPULATED MOTION TO REVISE SCHEDULE FOR SUMMARY JUDGMENT BRIEFING
CASE NOS. 2:17-CV-01209 AND 2:16-CV-00950

STIPULATED MOTION TO REVISE SCHEDULE FOR SUMMARY JUDGMENT BRIEFING AND ~~PROPOSED~~ ORDER

1. On November 7, 2017 this Court issued a consolidated case management schedule for the actions Nos. 2:17-cv-01209 and 2:17-cv-00950. Order, ECF No. 17. The parties have followed the schedule outlined in that order, culminating in Defendants' filing of Administrative Records for case No. 2:17-cv-01209 on March 14, 2018 (ECF No. 24) and for case No. 2:17-cv-00950 on March 14, 2018 (ECF No. 32). Based on the current schedule, opening summary judgment briefs would be due by April 12, 2018. In order to accommodate the various conflicts of counsel, the parties have agreed to the following proposed revised schedule for summary judgment briefing, which would extend the deadlines slightly, by 18 days, and otherwise retain the schedule previously stipulated and ordered. Parties respectfully move the Court to adopt the following case management deadlines:

April 30, 2018	All Plaintiffs' Motions For Summary Judgment due. ¹
July 23, 2018	Oppositions and cross-motions for summary judgment due. Defendants and Intervenors shall consult on briefing to avoid redundancy.
October 5, 2018	Plaintiffs' replies and oppositions to cross-motions due.
November 19, 2018	Replies due. Defendants and Intervenors to consult on briefing to avoid redundancy.
Thereafter	Court sets Oral Argument on Cross Motions For Summary Judgment.

¹ Because the cases are not being consolidated, the Coalition to Protect Puget Sound Habitat is not a party to C17-1209RSL, and Center for Food Safety is not a party to C16-0950RSL. While the parties may, and are encouraged to, coordinate briefing efforts to improve efficiency and avoid redundancy, each plaintiff must file papers in its own lawsuit.

1 2. Defendants and Intervenor reserve the right to object to, move to strike, or otherwise
2 oppose the proposed introduction of any extra record evidence in support of any claims made by
3 any other party. Defendants and Intervenor are encouraged to file a single consolidated brief in
4 each action in response to the plaintiffs' motions for summary judgment.

5
6 Respectfully submitted this 29th day of March, 2018 in Portland, Oregon.

7
8 CENTER FOR FOOD SAFETY

9 /s/ George A. Kimbrell
George A. Kimbrell (WSB No. 36050)
10 gkimbrell@centerforfoodsafety.org

11 /s/ Amy Van Saun
Amy Van Saun (*pro hac vice*)
12 avansaun@centerforfoodsafety.org

13 917 SW Oak Street, Suite 300
14 Portland, OR 97205
15 T: (971) 271-7372 / F: (971) 271-7374

16 *Counsel for Plaintiff Center for Food Safety*

17
18 LAW OFFICE OF KARL G. ANUTA, P.C.

19 /s/ Karl G. Anuta
Karl G. Anuta, WSBA No. 21346
20 735 S.W. First Ave., Second Floor
Portland, Oregon 97204
21 T: (503) 827-0320 / F: (503) 228-6551
22 kga@integra.net

23 LANDYE BENNETT, BLUMSTEIN
Thane Tienson, WSBA No. 13310
24 1300 SW 5th Avenue, Suite 3500
Portland, Oregon 97201
25 T: (503) 224-4100 / F: (503) 224-4133
26 ttienson@lbbblawyers.com

Counsel for Plaintiff Coalition to Protect Puget

Sound Habitat

Jeffrey H. Wood
Acting Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

/s/ Dedra S. Curteman

Peter K. Dykema, Senior Trial Attorney
Dedra S. Curteman, Trial Attorney
Natural Resources Section
P.O. Box 7611
Washington, DC 20044
peter.dykema@usdoj.gov
dedra.curteman@usdoj.gov
T: (202) 305-0436 (Dykema) / F: (202) 305-0506
T: (202) 305-0446 (Curteman) / F: (202) 305-0506

Kent Hanson, Senior Trial Attorney
Environmental Defense Section
kent.hanson@usdoj.gov
T: (206) 639-5544

Mark Brown, Trial Attorney
Wildlife and Marine Resources Section
mark.brown@usdoj.gov
T: (202) 305-0204

Counsel for Defendants

/s/ Jesse G. DeNike

Samuel W. Plauché, WSBA # 25476
Amanda M. Carr, WSBA # 38025
Jesse G. DeNike, WSBA # 39526
Plauché & Carr LLP
811 First Avenue, Suite 630
Seattle, WA 98104
billy@plauchecarr.com
amanda@plauchecarr.com
jesse@plauchecarr.com
T: (206) 588-4188 / F: (206) 588-4255

*Counsel for Intervenor-Defendants Taylor Shellfish
and PCSGA*


~~PROPOSED~~ ORDER REVISING SCHEDULE FOR SUMMARY JUDGMENT BRIEFING

This matter comes before the Court on the parties' "Stipulated Motion to Revise Schedule for Summary Judgment" filed in C16-0950RSL and C17-01209. The request is GRANTED, and the following case management deadlines will govern both C16-0950RSL and C17-01209:

April 30, 2018	All Plaintiffs' Motions For Summary Judgment due. ²
July 23, 2018	Oppositions and cross-motions for summary judgment due. Defendants and Intervenors shall consult on briefing to avoid redundancy.
October 5, 2018	Plaintiffs' replies and oppositions to cross-motions due.
November 19, 2018	Replies due. Defendants and Intervenors to consult on briefing to avoid redundancy.
Thereafter	Court sets Oral Argument on Cross Motions For Summary Judgment.

Defendants and Intervenors reserve the right to object to, move to strike, or otherwise oppose the proposed introduction of any extra record evidence in support of any claims made by any other party. Defendants and Intervenors are encouraged to file a single consolidated brief in each action in response to the plaintiffs' motions for summary judgment.

Dated this 5th day of April 2018.


 Robert S. Lasnik
 United States District Judge

² Because the cases are not being consolidated, the Coalition to Protect Puget Sound Habitat is not a party to C17-1209RSL, and Center for Food Safety is not a party to C16-0950RSL. While the parties may, and are encouraged to, coordinate briefing efforts to improve efficiency and avoid redundancy, each plaintiff must file papers in its own lawsuit.