

1 JOHN C. CRUDEN
 Acting Assistant Attorney General
 2 Environment and Natural Resources Division

3 Jason A. Hill, D.C. Bar No. 477543
 John P. Tustin, Texas Bar No. 24056458
 4 Trial Attorneys
 U.S. Department of Justice
 5 Environment and Natural Resources Division
 Natural Resources Section
 6 P.O. Box 663
 Washington, DC 20044-0663
 7 Phone: (202) 514-1024 (Hill)
 Phone: (202) 305-3022 (Tustin)
 8 Fax: (202) 305-0506
 jason.hill2@usdoj.gov
 9 john.tustin@usdoj.gov

10 Attorneys for Defendants

11

12

13

14 IN THE UNITED STATES DISTRICT COURT

15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16

| | | |
|----|---|--------------------------------|
| 17 | CENTER FOR SIERRA NEVADA,,) | Case No. 2:09-cv-02523-LKK-JFM |
| 18 | CONSERVATION, et al) | |
| |) | |
| 19 | Plaintiffs,) | STIPULATION AND |
| |) | ORDER REGARDING PLAINTIFFS' |
| 20 | v.) | FIRST AMENDED COMPLAINT AND |
| |) | EXTENSION OF TIME FOR |
| 21 | UNITED STATES FOREST SERVICE, et al.,) DEFENDANTS TO FILE DEFENSIVE | PLEADINGS |
| |) | |
| 22 | Defendants.) | |

23

24 This matter was filed on September 9, 2009. Plaintiffs assert violations arising under the

25 National Environmental Policy Act, the National Forest Management Act, and the

26 Administrative Procedures Act, *inter alia*, against the Defendants' decision as contained in the

27 Eldorado National Forest Public Wheeled Motorized Travel Management Record of Decision,

28

1 dated March 31, 2008. Additionally, Plaintiffs sent a 60-day notice letter alleging violations of
2 the Endangered Species Act on or about September 4, 2009, and Plaintiffs intend to amend their
3 original complaint to include, *inter alia*, a claim under the Endangered Species Act. Defendants'
4 answer or other responsive pleading is currently due on or about November 16, 2009. A Status
5 (Pretrial Scheduling) Conference is currently set for December 14, 2009 at 1:30 p.m.

6 The parties have agreed and stipulate to the following:

- 7 1. Any amended complaint to include, *inter alia*, a claim under the Endangered
8 Species Act, will be filed by Plaintiffs on or before December 3, 2009; and
- 9 2. Defendants will file their answer or other responsive pleading on or before
10 February 11, 2010.
- 11 3. The Status (Pretrial Scheduling) Conference will be reset to some date after
12 February 19, 2010.

12 Respectfully submitted November 6, 2009.

13 JOHN C. CRUDEN
14 Acting Assistant Attorney General
15 Environment and Natural Resources Division

16 /s/ Jason A. Hill
17 JASON A. HILL, D.C. Bar No. 477543
18 JOHN P. TUSTIN, Texas Bar No. 24056458
19 Trial Attorneys
20 Natural Resources Section
21 Environment and Natural Resources Division
22 United States Department of Justice
23 Benjamin Franklin Station, P.O. Box 663
24 Washington, D.C. 20044-0663
25 Telephone: (202) 514-1024
26 Facsimile: (202) 305-0506
27 Jason.Hill2@usdoj.gov
28 John.Tustin@usdoj.gov

Attorneys for Federal Defendants

Lisa T. Belenky
Center for Biological Diversity
351 California Street, Suite 600
San Francisco, CA 94104
Telephone: (415) 436-9682 x307

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Facsimile: (415) 436-9683
Lbelenky@biologicaldiversity.org

*** by email permission sent 11/6/09 /s/ David A. Bahr ***

David A. Bahr
Erik Schlenker-Goodrich
Western Environmental Law Center
1216 Lincoln Street
Eugene, OR 97401
Telephone: (541) 485-2471 x 108
Facsimile: (541) 228-2457
Bahr@westernlaw.org
Eriksg@westernlaw.org

Attorneys for Plaintiffs

ORDER

1. Any amended complaint to include, *inter alia*, a claim under the Endangered Species Act, will be filed by Plaintiffs on or before December 3, 2009; and
2. Defendants will file their answer or other responsive pleading on or before February 11, 2010.
3. The Status (Pretrial Scheduling) Conference is reset to **February 22, 2010 at 2:30 p.m.**

IT IS SO ORDERED.

Dated: November 9, 2009



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT