

1
2
3 **UNITED STATES DISTRICT COURT**
4 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
5 **OAKLAND DIVISION**

6 CENTER FOR BIOLOGICAL) Case No. C-08-1339 (CW)
DIVERSITY, et al.,)
7 Plaintiffs,)
8 vs.) **STIPULATION RE: FILING OF**
9 DIRK KEMPTHORNE, et al.,) **SECOND AMENDED**
10 Defendants.) **COMPLAINT**
11 _____)

12 **STIPULATION RE FILING OF SECOND AMENDED COMPLAINT**

13 Pursuant to this Court's Minute Order dated June 17, 2008, Plaintiffs and Defendants
14 hereby stipulate to the filing of Plaintiffs' Second Amended Complaint in this action. Plaintiffs
15 shall file their Second Amended Complaint no later than July 16, 2008. Defendants' Answer to
16 Plaintiffs' Second Amended Complaint shall be filed no later than September 15, 2008. The rest
17 of the schedule remains as set forth in the June 17, 2008 Minute Order:

18 September 15, 2008: Defendant Files and Serves Administrative Record

19 October 16, 2008: Plaintiffs file Motion for Summary Judgment Noticed for January 8,
20 2009 and Opening Brief

21 November 26, 2008: Defendants file opposition and any cross motion (contained within a
22 single brief)

23 December 11, 2008: Plaintiffs file reply and opposition to any cross motion

24 December 18, 2008: Defendants file surreply

25 January 8, 2009: Hearing on cross motions for Summary Judgment.
26
27
28

1 Dated: June 26, 2008

Respectfully submitted,

2 /s/ Brendan Cummings

3 Brendan Cummings (CA Bar # 193952)

4 Center for Biological Diversity

5 P.O. Box 549

6 Joshua Tree, CA 92252

7 Telephone: 760-366-2232

8 Facsimile: 760-366-2669

9 bcummings@biologicaldiversity.org

10 Counsel for Plaintiffs

11 RONALD J. TENPAS

12 Assistant Attorney General

13 United States Department of Justice

14 Environment & Natural Resources Division

15 JEAN E. WILLIAMS, Chief

16 LISA LYNNE RUSSELL, Assistant Chief

17 Dated: June 26, 2008

18 /s/ Kristen Byrnes Floom

19 KRISTEN BYRNES FLOOM, Trial

20 Attorney

21 DC Bar No. 469615

22 United States Department of Justice

23 Environment & Natural Resources Division

24 Wildlife and Marine Resources Section

25 Benjamin Franklin Station, P.O. Box 7369

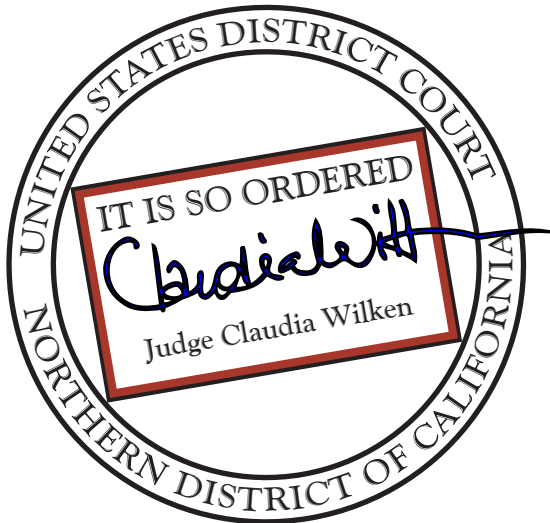
26 Washington, DC 20044-7369

27 Telephone: (202) 305-0340

28 Facsimile: (202) 305-0275

Kristen.Floom@usdoj.gov

Counsel for Defendants



21 I, Brendan Cummings, pursuant to ECF General Order 45X.B, attest that Kristen Floom has
22 concurred in and authorized the filing of this document with this court.

23 /s/ Brendan Cummings

24 Brendan Cummings

25 Attorney for Plaintiffs