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11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA (Oakland)

15 CENTER FOR BIOLOGICAL DIVERSITY,  
 16 ET AL.,

17 Plaintiffs,

18 vs.

19 HAALAND, ET AL.,

20 Federal Defendants.

Case. No. 4:19-cv-05206-JST

**JOINT STIPULATION TO  
 CONTINUE STAY OF  
 PROCEEDINGS FOR 60 DAYS  
 AND ~~PROPOSED~~ ORDER**

22 Pursuant to Civil Local Rule 7-12 and 16-2, Federal Defendants and  
 23 Plaintiffs in the three related cases of *Center for Biological Diversity v. de la Vega*,  
 24 No. 19-cv-05206, *California v. de la Vega*, No. 19-cv-06013, and *Animal Legal Def.*  
 25 *Fund v. de la Vega*, No. 19-cv-06812, stipulate to continue a stay of proceedings for  
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1 60 days. Intervenor-Defendants do not join in the stipulation, but do not oppose the  
2 request for relief. In support of the joint stipulation, the Federal Defendants and  
3 Plaintiffs set forth the following reasons:

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5 1. These related cases<sup>1</sup> challenge three Endangered Species Act (“ESA”) final  
6 rules promulgated by the U.S. Fish and Wildlife Service within the U.S.  
7 Department of the Interior, two of which were jointly promulgated with the  
8 National Marine Fisheries Service within the National Oceanic and Atmospheric  
9 Administration, U.S. Department of Commerce. *See* 84 Fed. Reg. 45020 (Section 4  
10 revisions); 84 Fed. Reg. 44753 (Section 4(d) revisions); and 84 Fed. Reg. 44976  
11 (Section 7(a)(2) revisions).  
12

13 2. On November 19, 2020, the Court entered an amended case management  
14 order. ECF 111. In accordance with that order, plaintiffs filed their motions for  
15 summary judgment on January 19, 2021. ECF 86; ECF 116; ECF 130.  
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17 3. On January 20, 2021, President Biden issued an Executive Order entitled  
18 “Executive Order on Protecting Public Health and the Environment and Restoring  
19 Science to Tackle the Climate Crisis.” In conformance with the Executive Order,  
20 Federal Defendants are reviewing many rules promulgated in the last four years,  
21 including the final rules at issue in this case.  
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26 <sup>1</sup> On January 27, 2021, the Court related *State of California v. Haaland*, 21-cv-  
27 00440-JST (N.D. Cal.) with the above-related cases. ECF 136. Federal Defendants  
and State-Plaintiffs in that case will be filing a similar stipulated motion.

1 4. On February 9, 2021, the Parties requested a stay of proceedings for 60 days  
2 to give appropriate officials adequate time to review the final rules and determine  
3 how they would like to proceed with this litigation. ECF 121. On February 16,  
4 2021, the court granted the requested stay and vacated the existing deadlines. ECF  
5 123.

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7 5. Over the last 60 days, Federal Defendants have discussed internally how  
8 they intend to proceed with the contested regulations. These discussions have been  
9 aided by the recent confirmations of the Secretaries of the Interior and Commerce.  
10 Based on those discussions, Federal Defendants informed Plaintiffs' counsel that  
11 they need additional time to address the contested regulations and this litigation.  
12 Federal Defendants intend to meet and confer with counsel for the parties  
13 regarding these discussions and a path forward in this litigation within 21 days  
14 from the date of filing this joint stipulation.  
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17 6. Plaintiffs have indicated that they do not oppose continuing a stay of  
18 proceedings for an additional 60 days.

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20 7. Granting this motion will not prejudice any party, will conserve the Parties'  
21 resources, and will promote the interest of judicial economy.

22 For the foregoing reasons, the Parties respectfully request that the Court  
23 continue the stay of proceedings in this case for an additional 60 days. Upon  
24 expiration of the stay, and no later than June 18, 2021, the Parties will file a joint  
25 status report proposing further proceedings.  
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1 DATED: April 16, 2021.

2 JEAN E. WILLIAMS,  
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6 /s/ Coby Howell.

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25 \* In compliance with Civil Local Rule 5-1(i), the filer of this document attests that  
26 all signatories listed have concurred in the filing of this document.  
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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated April 19, 2021 :



\_\_\_\_\_  
The Honorable Jon S. Tigar

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

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/s/ Coby Howell  
COBY HOWELL, Senior Attorney