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11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA (Oakland)

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15 STATE OF CALIFORNIA, ET AL.,

16 Plaintiffs,

17 vs.

18 HAALAND, ET AL.,

19 Federal Defendants.
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Case. No. 3:21-cv-00440-JST

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

1 Pursuant to Civil Local Rule 7-12 and 16-2, the Parties stipulate to continue
2 a stay of proceedings for 60 days in the above-captioned matter.¹ In support of the
3 joint stipulation, the parties set forth the following reasons:

4
5 1. This case challenges Endangered Species Act (“ESA”) final rules promulgated
6 by U.S. Fish and Wildlife Service within the U.S. Department of the Interior, and
7 the National Marine Fisheries Service within the National Oceanic and
8 Atmospheric Administration, U.S. Department of Commerce. *See* 85 Fed. Reg.
9 81411 (Dec. 16, 2020) (Habitat Definition Rule); 85 Fed. Reg. 82376 (Dec. 18, 2020)
10 (Habitat Exclusion Rule).²
11

12 2. On January 19, 2021, Plaintiffs filed a complaint in this Court challenging
13 both final rules. ECF 1.
14

15 3. On January 20, 2021, President Biden issued an Executive Order entitled
16 “Executive Order on Protecting Public Health and the Environment and Restoring
17 Science to Tackle the Climate Crisis.” In conformance with the Executive Order,
18 Federal Defendants are reviewing many rules promulgated in the last four years,
19 including the final rules at issue in this case.
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23 ¹ On January 27, 2021, the Court recently related this case to three other related
24 cases: *Center for Biological Diversity v. Haaland*, No. 19-cv-05206, *California v.*
25 *Haaland*, No. 19-cv-06013, and *Animal Legal Def. Fund v. Haaland*, No. 19-cv-
26 06812 (N.D. Cal). The Parties will be filing a substantially similar joint motion to
continue stay of proceedings in those cases as well.

27 ² Only the Department of the Interior promulgated the Habitat Exclusion Rule.

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 14. On February 16, 2021,
4 the court granted the requested stay and vacated the existing deadlines. ECF 15.

5
6 5. Over the last 60 days, Federal Defendants have discussed internally how
7 they intend to proceed with the contested regulations. These discussions have been
8 aided by the recent confirmations of the Secretaries of the Interior and Commerce.
9 Based on those discussions, Federal Defendants informed Plaintiffs' counsel that
10 they need additional time to address the contested regulations and this litigation.
11

12 6. Plaintiffs have indicated that they do not oppose continuing a stay of
13 proceedings for an additional 60 days.
14

15 7. Granting this motion will not prejudice any party, will conserve the Parties'
16 resources, and will promote the interest of judicial economy.
17

18 For the foregoing reasons, the Parties respectfully request that the Court
19 continue the stay of proceedings in this case for an additional 60 days. Upon
20 expiration of the stay, the Parties will file a joint status report proposing further
21 proceedings.
22

23 DATED: April 16, 2021.

24 JEAN E. WILLIAMS,
25 Acting Assistant Attorney General
26 SETH M. BARSKY, Chief
27 MEREDITH FLAX, Assistant Chief

/s/ Coby Howell.

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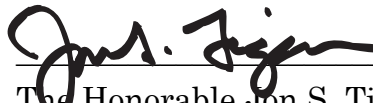
Attorneys for Plaintiffs

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

~~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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