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14 *Attorneys for Federal Defendants*

15 **Additional Counsel Appear on Signature Page**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BACKCOUNTRY AGAINST DUMPS, DONNA )  
TISDALE, and JOE E. TISDALE, )

Plaintiffs, )

v. )

UNITED STATES BUREAU OF INDIAN )  
AFFAIRS, DARRYL LACOUNTE, in his )  
official capacity as Director of the United States )  
Bureau of Indian Affairs, AMY DUTSCHKE, in )  
her official capacity as Regional Director of the )  
Pacific Region of the United States Bureau of )  
Indian Affairs, UNITED STATES )  
DEPARTMENT OF THE INTERIOR, DAVID )  
BERNHARDT, in his official capacity as )  
Secretary of the Interior, and TARA SWEENEY, )  
in her official capacity as Assistant Secretary of )  
the Interior for Indian Affairs, )

Defendants. )

No. 2:20-cv-01380-KJM-DB

**STIPULATED REQUEST TO  
GRANT PENDING UNOPPOSED  
MOTIONS AND VACATE  
UPCOMING MOTIONS  
HEARING AND STATUS (JOINT  
PRETRIAL) CONFERENCE AND  
ACCOMPANYING DEADLINES**

1 Plaintiffs Backcountry Against Dumps, Donna Tisdale, and Joe E. Tisdale (“Plaintiffs”),  
2 Defendants the United States Bureau of Indian Affairs; Darryl Lacounte, in his official capacity  
3 as Director of the United States Bureau of Indian Affairs; Amy Dutschke, in her official capacity  
4 as Regional Director of the Pacific Region of the United States Bureau of Indian Affairs; United  
5 States Department of the Interior; David Bernhardt, in his official capacity as Secretary of the  
6 Interior; and Tara Sweeney, in her official capacity as Assistant Secretary of the Interior for  
7 Indian Affairs (“Federal Defendants” and, together with Plaintiffs, the “Parties”), and proposed  
8 Intervener-Defendant Terra-Gen Development Company, LLC (“Terra-Gen”) jointly stipulate  
9 and request that, in light of recent case developments, the Court grant the pending unopposed  
10 Motion to Intervene and Motion for Transfer, and vacate the currently scheduled motions hearing  
11 and Status (Joint Pretrial) Conference, including all associated deadlines.

14 The Parties and Terra-Gen hereby stipulate and agree as follows:

15 1. Upon Plaintiffs’ filing of this action, the Court issued on July 9, 2020, its Order  
16 Setting Status (Pretrial Scheduling) Conference, which scheduled a status conference for  
17 November 19, 2020 at 2:30 PM, and ordered the parties to confer at least twenty-one (21) days  
18 ahead of that conference and to file a Joint Status Report discussing various case management  
19 items at least fourteen (14) days prior to the status conference. Order Setting Status (Pretrial  
20 Scheduling) Conference, ECF No. 3, at ¶¶ 1, 5.

23 2. On August 12, 2020, Federal Defendants filed a Motion for Transfer to the  
24 Southern District of California, seeking transfer of this action to the Southern District. ECF No.  
25 5.

26 3. On August 14, 2020, Terra-Gen moved to intervene as a defendant. Motion to  
27 Intervene, ECF No. 6. In that motion, Terra-Gen requested that its responsive pleading deadline  
28

1 be aligned with that of Federal Defendants, or “three days after intervention is granted,  
2 whichever is later.” *Id.* at n.1.

3 4. On September 10, 2020, the Parties filed a joint stipulation and request to extend  
4 Federal Defendants’ responsive pleading deadline to 28 days following a ruling from this Court  
5 on Federal Defendants’ Motion for Transfer. ECF No. 15. The Parties agreed therein that Federal  
6 Defendants’ Motion for Transfer is “[t]he threshold question before the Court at this stage.”  
7 ECF No. 15, at ¶ 4. The Court entered an Order granting that extension on September 15, 2020.  
8 Order, ECF No. 16.  
9

10 5. A hearing on Federal Defendants’ Motion for Transfer and Terra-Gen’s Motion to  
11 Intervene is currently scheduled for November 6, 2020 at 10:00 am. Minute Order, ECF No. 17.  
12

13 6. On October 22, 2020, Plaintiffs filed statements of non-opposition indicating they  
14 do not oppose Federal Defendants’ Motion for Transfer or Terra-Gen’s Motion to Intervene.  
15 ECF Nos. 18, 19.  
16

17 7. In light of Plaintiffs’ non-opposition to these pending motions, the Parties and  
18 Terra-Gen stipulate and agree that those motions are ripe for adjudication, and respectfully  
19 request this Court grant Federal Defendants’ Motion for Transfer and Terra-Gen’s Motion to  
20 Intervene.  
21

22 8. The Parties and Terra-Gen further stipulate and agree that Plaintiffs’ non-  
23 opposition to these motions makes the currently scheduled motions hearing for considering these  
24 motions, set for November 6, 2020 at 10:00 am, unnecessary. Therefore, to avoid the waste of  
25 judicial and party resources, the Parties and Terra-Gen respectfully request the Court vacate the  
26 currently scheduled motions hearing.  
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1 9. Moreover, given the lack of opposition to the transfer of this action to the  
2 Southern District of California, the Parties and Terra-Gen agree that the currently scheduled  
3 Status (Pretrial Scheduling) Conference in this Court, set for November 19, 2020 at 2:30 PM, is  
4 unnecessary, as are the requirements to confer and file a joint status/scheduling report.  
5 Accordingly, to avoid the waste of judicial and party resources, the Parties and Terra-Gen  
6 respectfully request this court vacate its Order Setting Status (Pretrial Scheduling) Conference,  
7 including the hearing set therein. *See* ECF No. 3, at ¶¶ 1, 5.  
8

9  
10 **Conclusion**

11 For the foregoing reasons, the Parties and Terra-Gen stipulate that the Court may grant  
12 the pending Motions for Transfer and for Terra-Gen to intervene as a defendant and request that  
13 the Court vacate the hearing on these motions currently scheduled for November 6, 2020 as well  
14 as the status conference currently scheduled for November 19, 2020 and the associated deadlines  
15 set out in the Court's Order Setting Status (Pretrial Scheduling) Conference, ECF No. 3. A  
16 proposed order is included herewith.  
17

18 Respectfully submitted this 28<sup>th</sup> day of October, 2020.

19  
20 /s/ Stephan C. Volker  
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21 Attorney for Plaintiffs BACKCOUNTRY  
22 AGAINST DUMPS, DONNA TISDALE, and JOE  
E. TISDALE

23  
24 PAUL SALAMANCA  
DEPUTY ASSISTANT ATTORNEY GENERAL

25 /s/ Jacob D. Ecker  
26 JACOB D. ECKER  
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