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9 *Attorneys for Defendants*

11 UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 OAKLAND DIVISION

14 CENTER FOR BIOLOGICAL DIVERSITY,	)	No. 4:19-cv-02843-PJH
15 et al.,	)	
	)	
16 Plaintiffs,	)	DEFENDANTS' STATUS
	)	REPORT
17 v.	)	
	)	
18 DAVID BERNHARDT, in his official	)	
19 capacity as Secretary of the United	)	
20 States Department of the Interior, et al.,	)	
	)	
21 Defendants.	)	
	)	

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23 Defendants, David Bernhardt, in his official capacity as Secretary of the United States  
 24 Department of the Interior, and Margaret Everson, in her official capacity as Principal Deputy  
 25 Director of the U.S. Fish and Wildlife Service ("FWS") provide this status update pursuant to the  
 26 Court's September 4, 2019 Order:  
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- 28 1. Plaintiffs filed their Complaint on May 23, 2019. ECF No. 1.

- 1 2. Defendants filed their Answer to Plaintiffs' Complaint on August 29, 2019. ECF No. 21.
- 2 3. On September 3, 2019, Defendants filed an unopposed motion to stay proceedings until  
3 October 31, 2019 after the parties reached an agreement in principle to resolve the claims  
4 in this case without the Court's further involvement. ECF No. 22. The Court granted  
5 Defendants' unopposed motion to stay on September 4, 2019. ECF No. 23.
- 6 4. On September 27, 2019, FWS submitted its annual candidate notice of review ("CNOR")  
7 to the Office of the Federal Register for publication. The CNOR was published several  
8 days later on October 10, 2019, which included 12-month findings for the Sierra Nevada  
9 Red Fox, Red Tree Vole, Hermes Copper Butterfly, Puerto Rican Harlequin Butterfly,  
10 Marron Bacora, Longfin Smelt, and Gopher Tortoise in which FWS found that these  
11 species were warranted for listing under the Endangered Species Act ("ESA") but were  
12 precluded due to higher priority actions.
- 13 5. On October 7, 2019, FWS submitted a separate 12-month finding for the Berry Cave  
14 Salamander in which FWS found that it was not warranted for listing under the ESA. 84  
15 Fed. Reg. 53,336.
- 16 6. FWS is in the final stages of review to submit further updated 12-month findings for the  
17 Hermes Copper Butterfly and Sierra Nevada Red Fox.
- 18 7. Currently, the parties are continuing to finalize the terms of their settlement agreement  
19 and obtain the necessary approvals. In the meantime, should the parties fail to reach final  
20 agreement or obtain the necessary approvals, the Court may choose to assign a date for a  
21 Case Management Conference and the parties shall provide a joint case management  
22 statement seven days in advance under Civil Local Rule 16-9.  
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1 Dated: October 29, 2019

Respectfully submitted,

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5  
6 /s/ Davis Backer

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2019, I electronically filed the foregoing Status Update with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

*/s/ Davis Backer*  
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