

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR BIOLOGICAL DIVERSITY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:21-cv-01045-EGS
	)	
UNITED STATES FISH AND WILDLIFE	)	
SERVICE, et al.,	)	
	)	
Defendants.	)	

**JOINT STATUS REPORT AND  
SECOND JOINT MOTION TO CONTINUE STAY**

Pursuant to the Court’s minute order dated November 19, 2021 (“Order”), Plaintiff Center for Biological Diversity and Defendants United States Fish and Wildlife Service (“FWS”); Debra Haaland, in her official capacity as Secretary of the United States Department of Interior; and Martha Williams, in her official capacity as Principal Deputy Director of FWS, (collectively, “Defendants”) submit the following report informing the Court as to the status of the parties’ mediation discussions. In addition, the parties jointly move the Court to continue the current stay until March 4, 2022. As discussed further below, this continuance of the stay is necessary for the parties to continue their ongoing mediation discussions and to finalize a settlement agreement, if one is reached. It will also provide the parties time to confer regarding a proposed schedule for this case going forward to be submitted to the Court in the event that a settlement agreement is not reached. Accordingly, the parties submit as follows:

1. On April 15, 2021, Plaintiff filed its Complaint, *see* Docket (“Dkt.”) 1, alleging violations of the Endangered Species Act (“ESA”), *see* 16 U.S.C. §§ 1531-44, with respect to multiple species.

2. On July 22, 2021, the parties jointly moved the Court to refer the above-captioned case and two additional cases filed by Plaintiff against Defendants (*Ctr. for Biological Diversity v. Haaland*, No. 1:20-cv-00573-EGS (D.D.C.); and *Ctr. for Biological Diversity v. FWS*, No. 1:21-cv-00884-EGS (D.D.C.)) to the Court's mediation program to allow the parties to discuss the possibility of settling one or more of these cases in whole or in part. *See* Dkt. 14. Further, the parties jointly moved the Court to stay further proceedings in the three cases for 90 days to allow the parties to focus on the mediation discussions. *Id.*

3. On August 16, 2021, the Court entered a minute order granting the parties' joint motion and referring these three cases to the Court's mediation program. In addition, the Court stayed further proceedings in the three cases pending a further order from the Court and directed the parties to submit a joint status report within 90 days (*i.e.*, November 14, 2021) to update the Court and, if necessary, provide any proposal for a further stay or further proceedings.

4. The parties submitted a joint status report to the court on November 12, 2021 and requested that the cases be stayed for a further 90 days to allow the parties to continue mediation discussions. On November 19, 2021, the Court issued its Order granting the joint motion to continue the stay and ordered the parties to file a joint report and recommendation for further proceedings by no later than February 12, 2022.

5. Since then, the parties have (virtually) met with the court-appointed mediator and each other to discuss the possibility of resolving some or all of Plaintiff's claims without further litigation. These mediation discussions are ongoing, and the parties have agreed to continue their discussions.

6. Accordingly, the parties believe that a continuance of the stay until March 4, 2022, in this case and the two additional cases referred to mediation is necessary for the parties

to continue their discussions and finalize a settlement agreement, if one is reached. This continuance of the stay will also provide the parties time to confer regarding a proposed schedule for this case going forward to be submitted to the Court in the event that a settlement agreement is not reached.

7. This is the second continuance of the stay sought by the parties.

NOW, THEREFORE, the parties respectfully request that this Court enter an order as follows:

1. Further proceedings in this case shall be stayed until March 4, 2022.
2. If this case settles in whole or part prior to March 4, 2022, the parties shall advise the Court of the settlement by filing a stipulation.
3. If no settlement of this case is reached prior to March 4, 2022, the parties shall file a joint report and recommended schedule for further proceedings no later than March 4, 2022.

Dated: February 11, 2022

/s/ Camila Cossio  
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