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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PRESCOTT DIVISION

CENTER FOR BIOLOGICAL
DIVERSITY; SIERRA CLUB; and
GRAND CANYON WILDLANDS
COUNCIL,

Plaintiffs,

vs.

UNITED STATES FOREST SERVICE,

Defendant.

Case No: 3:12-cv-08176-SMM

**UNOPPOSED MOTION FOR
EXTENTION OF TIME FOR
PLAINTIFFS TO RESPOND TO
FOREST SERVICE'S MOTION TO
DISMISS (FIRST REQUEST)**

COME NOW Plaintiffs Center for Biological Diversity, Sierra Club and Grand Canyon Wildlands Council (collectively "Plaintiffs"), by and through undersigned counsel, and file this Unopposed Motion for Extension of Time to Respond to Defendant's Motion to Dismiss (Doc. 46). Plaintiffs respectfully request that this Court extend the deadline to respond for 20 days, until February 5, 2013. Defendant United States Forest Service ("Forest Service") does not oppose Plaintiffs' request. In further

1 support of this motion, Plaintiffs state the following:

- 2 1. Plaintiffs filed their Complaint on September 5, 2012 (Doc. 1). The United
3 States Attorney was served on September 10, 2012. Pursuant to Federal Rule
4 of Civil Procedure 12(a)(2), the Forest Service's answer or other response to
5 the Complaint was originally due no later than November 9, 2012.
6
- 7 2. On October 17, 2012, the Forest Service moved for an extension of 21 days,
8 to and including November 30, 2012, to file an answer or other response to
9 Plaintiffs' Complaint (Doc. 18). The Court granted that motion in an order
10 entered on October 29, 2012 (Doc. 19).
11
- 12 3. On November 30, 2012, the Forest Service moved for an additional extension
13 of 14 days, to and including December 14, 2012 (Doc. 40). The Court
14 granted that motion in an order entered on November 30, 2012 (Doc. 41).
15
- 16 4. On December 14, the Forest Service filed a Motion to Dismiss (Doc. 46),
17 under Fed. R. Civ. P. 12(b)(1) and 12(b)(6), claiming Plaintiffs have failed to
18 establish Article III standing or plead facts sufficient to state a claim upon
19 which relief can be granted. Plaintiffs' Response to the motion to dismiss is
20 currently due on or before January 16, 2013.
21
- 22 5. Plaintiffs require an extension of time to respond to the Forest Service's
23 Motion to Dismiss to account for Plaintiffs' and counsel's previously
24 scheduled holiday travel, and counsel's conflicting litigation deadlines in
25 other matters, and to ensure Plaintiffs have adequate time to respond to the
26 significant issues raised in the Forest Service's Motion to Dismiss. Plaintiffs
27 do not presently anticipate that a further extension of time will be necessary.
28

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2013, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing, which will send notification of such filing to the following:

Dustin Maghamfar, United States Department of Justice, Attorney for Defendant United States Forest Service.

James Odenkirk, Attorney for the State of Arizona.

C.D. Michel
Scott M. Franklin, Attorneys for National Rifle Association.

Douglas S. Burdin
Anna M. Seidman, Attorneys for Safari Club International.

Adam Keats, Attorney for Plaintiffs.

/s/ Kevin Cassidy