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15 United States Forest Service

16 **IN THE UNITED STATES DISTRICT COURT**  
17 **FOR THE DISTRICT OF ARIZONA**

18 Center for Biological Diversity, et al.,

No. CV-12-8176-PCT-SMM

19 Plaintiff,

20 v.

21 United States Forest Service,

22 Defendant.

**UNOPPOSED MOTION FOR EXTENSION  
OF TIME FOR DEFENDANT TO  
RESPOND TO THE COMPLAINT  
(Second Request)**

23 Defendant the United States Forest Service (“Forest Service”) hereby requests an  
24 extension of time of 14 days to file an answer or other response to Plaintiffs’ Complaint  
25 in the above-titled action. The Forest Service seeks an extension to and including  
26 December 14, 2012. The relief requested in this motion is unopposed. In further support  
27 of this motion, the Forest Service states the following:  
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- 1           1. In this action brought under the citizen suit provision of the Resource  
2           Conservation and Recovery Act (“RCRA”) at 42 U.S.C. § 6972(a)(1)(B),  
3           Plaintiffs seek a declaration by this Court pursuant to 28 U.S.C. § 2201 that the  
4           Forest Service has contributed and is contributing to the past and present  
5           disposal of solid or hazardous waste presenting an imminent and substantial  
6           endangerment to human health or the environment. Compl. at 14. Plaintiffs  
7           also seek an injunction pursuant to 28 U.S.C. § 2202 enjoining the Forest  
8           Service from causing or contributing to such an imminent or substantial  
9           endangerment within the Kaibab National Forest. *Id.* at 15.
- 10          2. Plaintiffs filed their Complaint on September 5, 2012. Doc. 1. The United  
11          States Attorney was served on September 10, 2012. Pursuant to Federal Rule  
12          of Civil Procedure 12(a)(2), the Forest Service’s answer or other response to  
13          the Complaint was originally due no later than November 9, 2012.
- 14          3. On October 17, 2012, the Forest Service moved for an extension of 21 days, to  
15          and including November 30, 2012, to file an answer or other response to  
16          Plaintiffs’ Complaint. Doc. 18. The Court granted that motion in an order  
17          entered on October 29, 2012. Doc. 19. The Forest Service’s answer or other  
18          response is thus currently due on November 30, 2012.
- 19          4. The Forest Service requires an extension of time in order to complete  
20          interagency coordination (*see* 42 U.S.C. § 6972(b)(2)(A)) and to obtain  
21          approval from management at the Forest Service and the Department of  
22          Justice. This process was delayed due to the undersigned counsel’s recent  
23          absence from the office (*see* Doc. 18 at 2 ¶3). The Forest Service does not  
24          presently anticipate that a further extension of time will be necessary.
- 25          5. Undersigned counsel for the Forest Service has conferred with Plaintiffs’  
26          counsel, and is informed that Plaintiffs do not oppose the relief requested in  
27          this motion.

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6. A proposed order is attached to this filing, and immediately following the filing of this unopposed motion, the Forest Service will submit, via electronic mail, a proposed order to chambers.

The Forest Service respectfully requests that this Court extend the deadline to answer or otherwise respond to Plaintiffs' Complaint an additional 14 days, until December 14, 2012.

Respectfully submitted this 30th day of November, 2012.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of November, 2012, I caused the attached document to be electronically transmitted to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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