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12
13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15 Center for Biological Diversity, et al.,

16 Plaintiffs,

17 v.

18 United States Forest Service,

19 Defendant,

20 National Rifle Association of America
21 Inc., et al.,

22 Intervenor Defendants.

No. CV-12-8176-PCT-SMM

**STIPULATED MOTION TO SET
BRIEFING SCHEDULE**

23 Plaintiffs Center for Biological Diversity, Sierra Club, and Grand Canyon
24 Wildlands Council; Defendant United States Forest Service (“Forest Service”); and
25 Intervenor-Defendants the National Rifle Association of America (“NRA”), Safari Club
26 International (“SCI”), and National Shooting Sports Foundation, Inc. (“NSSF”)
27 (collectively “the Parties”), along with the State of Arizona as prospective amicus curiae,
28 hereby respectfully request that the Court adopt the following schedule for briefing

1 upcoming motions, as discussed more fully with the Court during the status conference
2 conducted on September 30, 2019.

3 After the case was remanded by the Ninth Circuit, the Parties met and conferred
4 regarding the status of these proceedings and next steps. The Forest Service intends to
5 renew its Rule 12(b)(6) motion to dismiss Plaintiffs' complaint. Intervenor-Defendants
6 plan to file their own 12(b)(6) motions to dismiss or Rule 12(c) motions for judgment on
7 the pleadings. Additionally, the State of Arizona intends to file a brief as amicus curiae
8 and there is no objection to the State's participation as an amicus for that purpose.
9 Accordingly, the Parties and the State of Arizona have developed a proposed briefing
10 schedule that coordinates the presentation of issues to the Court and that works for all
11 counsel. By staggering the briefing schedule as presented below, Intervenor-Defendants
12 will attempt to minimize duplication of the arguments made by the Forest Service.

13 The Parties respectfully request that the Court enter an order setting the following
14 briefing schedule:

15 October 29, 2019: Forest Service's motion to dismiss due;

16 November 12, 2019: Intervenor-Defendants' motions and State of Arizona's
17 amicus brief due;

18 December 20, 2019: Plaintiffs' response(s) to all motions and amicus brief due;

19 January 17, 2020: Forest Service and Intervenors' replies due.

20 Further, as discussed during the status conference, the Plaintiffs may choose to
21 seek additional pages for a consolidated response brief after the motions are filed.

22 Because the precise number of additional pages needed is not known at this time, the
23 Parties agreed to table that issue until a later time.

24 For the foregoing reasons, the Parties respectfully request that the Court enter an
25 order adopting the Parties' proposed briefing schedule. A proposed order is attached to
26 this filing and will be submitted, via electronic mail, to chambers after the filing as per
27 the Local Rules.

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Respectfully submitted,

Dated: October 3, 2019

/s/ Michael C. Augustini
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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of October, 2019, I caused the attached documents 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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