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7 8	UNITED STATES DISTRICT COURT			
8 9	CENTRAL DISTRICT OF CALIFORNIA			
9 10		07-cv-00335-FM		
10	COUNCIL,			
12				
13	Plaintiff, ) OF		PORARY PARTIAL ITING BRIEFING	
14		CHEDULE		
15	DONALD C. WINTER, et al.,			
16				
17	Defendant. )			
18	This matter comes before the Court on Defendants' Ex Parte Application for			
19	Emergency Temporary Partial Stay Pending Consideration of Ex Parte Application			
20	to Vacate Preliminary Injunction or to Partially Stay Pending Appeal, and For			
21	Immediate Vacature or Partial Stay Pending Appeal. For the reasons stated therein,			
22	it is determined that the Court's January 3, 2008 Order Issuing Preliminary			
23	Injunction, as modified by the Court's January 10, 2008 Order, should be			
24	temporarily partially stayed pending the Court's consideration of Defendants' Ex			
25	Parte Application to Vacate Preliminary Injunction. Specifically, on condition that			
26	the Navy comply with all mitigation measures described in the January 15, 2008			
27	letter from the Council on Environmental Quality, particularly paragraph (d) which			
28	reads:			

1	The Navy will use meters rather than yards to describe the		
2	safety zone set forth in the NDE II mitigation measure 20,		
3	and the safety zone used in the SOCAL Operating Area		
4	will be 1000 meters. The Navy will power down 6 dB if		
5	a marine mammal is detected within the safety zone. The		
6	Navy will power down an additional 4 dB at 500 meters		
7	and will shut off sonar transmissions at 200 meters. The		
8	remaining features of the safety zone described in NDE		
9	measure 20 will remain the same,		
10	the Navy is not required to comply with the Court's conditions regarding 2200 yards		
11	MFA sonar shutdown zone around shipboard sonar, helicopter dipping sonar, and		
12	sonobuoys or a 6 dB power down when significant surface ducting conditions are		
13	detected.		
14	Accordingly, it is hereby ORDERED that the January 3, 2008 Order Issuing		
15	Preliminary Injunction, as modified on January 10, 2008 is partially STAYED until		
16	further Order of this Court. Plaintiffs have until Tuesday, January 22, 2008 to file		
17	opposition to Defendants' Ex Parte Application to Vacate. Any reply by Defendants		
18	is to be filed no later than Friday, January 25, 2008.		
19			
20	DATED this 17 <sup>th</sup> day of January 2008.		
21	Abrence-Marie Cooper		
22	FLORENCE-MARIE COOPER		
23	United States District Court Judge		
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25			
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