

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

James S. Grill v. United States of America

Grill · No. 2:20-cv-641-TLN-JDP · Decided December 23, 2025

OPINION

ADAM R.F. GUSTAFSON 1 Principal Deputy Assistant Attorney General 2 United States
Department of Justice Environment & Natural Resources Division 3 SEAN C. DUFFY (NY Bar.
No. 4103131) 4 Trial Attorney Natural Resources Section 5 150 M Street NE 6 Washington, DC
20002 Ph: (202) 598-7291 7 sean.c.duffy@usdoj.gov 8 Attorneys for Defendant 9 UNITED
STATES DISTRICT COURT 10 EASTERN DISTRICT OF CALIFORNIA 11 JAMES S. GRILL,
No. 2:20-cv-641-TLN-JDP 12 13 Plaintiff, STIPULATION TO STAY v. PROCEEDINGS;
ORDER 14 UNITED STATES OF AMERICA, 15 Defendant.

16 17 18 The parties respectfully move to stay proceedings in this case for a period of 90 days to
19 allow them to continue to discuss potential resolution of this case outside of these proceedings.
20 This request is made for good cause as follows: 21 1. Plaintiff filed a Complaint to Quiet Title
to an Easement to Real Property on April 22 1, 2020. Dkt. No. 1.

Defendant moved to dismiss the Complaint pursuant to Fed. 23 R.Civ. P. 12(b)(1) for lack of
subject matter jurisdiction and under Fed. R. Civ. 24 P.12(b)(6) for failure to state a claim upon
which relief can be granted. See Defs.' 25 Mem. in Supp. of Mot. to Dismiss the Complaint. Dkt.
No. 10. 26 2. Adopting the findings and recommendations of the magistrate judge (Dkt.

No. 27 25), this Court dismissed the complaint on November 30, 2021. Dkt. No. 32. 28 1 3. The
Court of Appeals reversed and remanded this Court's decision granting 2 Defendant's motion to
dismiss based on the United States Supreme Court's 3 subsequent decision in *Wilkins v. United*
States, 598 U.S. 152, 165 (2023). Dkt. 4 No. 37.

The mandate issued on February 14, 2025. Dkt. No. 38. 5 4. This Court ordered Defendant to file
a response to Plaintiff's complaint by May 6 30, 2025. See Dkt. No. 40. 7 5. In May 2025,
Defendant and Plaintiff, who was then proceeding pro se, conferred 8 and agreed that it could be
advantageous to explore whether it is possible to 9 resolve this case outside of court and agreed,
with the Court's consent, to stay 10 proceedings for a period of 30 days.

Dkt. Nos. 41, 42. 11 6. Plaintiff subsequently retained counsel in this case. See Dkt. Nos. 43, 44.
Counsel 12 for the parties conferred and agreed, with the Court's consent, to stay proceedings 13
for an additional period of 60 days to allow them to explore potential resolution of 14 the claims,

(Dkt. Nos. 48, 49), which was extended an additional 43 days, until 15 December 22, 2025, due to the lapse in government appropriations.

Dkt. Nos. 51, 16 52). 17 7. After the ending of the lapse in appropriations, on December 2, 2025, the parties 18 conferred via videoconference on potential settlement and identified documents 19 that will need to be located, exchanged, and reviewed in furtherance of those 20 discussions.

The parties are currently locating the relevant documents and intend 21 to exchange them. 22 8. If the claims are not otherwise resolved within 90 days of the Court's order 23 adopting this stipulation, the parties shall submit a joint status report with a 24 proposed deadline for Defendant to file a response to Plaintiff's complaint. 25 26 For all the foregoing reasons, the parties respectfully request that the Court enter a stay 27 for a period of 90 days to allow them to discuss potential resolution of the claims in this case.

28 1 || Dated: December 22, 2025 ADAM R.F. GUSTAFSON Principal Deputy Assistant Attorney General 2 United States Department of Justice 3 Environment & Natural Resources Division 4 /s/ Sean C. Duffy SEAN C. DUFFY 5 Trial Attorney (NY Bar No. 4103131) 6 Natural Resources Section 150 M Street NE 7 Washington, DC 20002 (202) 598-7291 8 sean.c.duffy@usdoj.gov 9 Attorneys for Defendant 10 /s/ Jeffrey W. McCoy JEFFREY W. McCOY (Cal.

Bar 317377) 1] PACIFIC LEGAL FOUNDATION 12 1745 Shea Center Drive, Suite 400 13 Highlands Ranch, CO 80129 (916) 419-7111 14 jmeccoy@pacificlegal.org Attorney for Plaintiff 15 16 Pursuant to the above stipulation and for good cause shown, the Court hereby stays this 17 || case for 90 days. If the claims are not otherwise resolved within 90 days of the Court's order 18 || adopting this stipulation, the parties shall submit a joint status report with a proposed deadline 19 || for Defendant to file a response to Plaintiff's complaint.

20 21 SO ORDERED. 22 24 || Dated: December 22, 2025: Troy L. Nuniey 25 Chief United States District Judge 26 27 28