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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 **ROCKY MOUNTAIN FARMERS UNION;**
12 **REDWOOD COUNTY MINNESOTA**
13 **CORN AND SOYBEANS GROWERS;**
14 **PENNY NEWMAN GRAIN, INC.; REX**
15 **NEDEREND; GROWTH ENERGY and the**
16 **RENEWABLE FUELS ASSOCIATION,**

17 Plaintiffs,

18 v.

19 **JAMES N. GOLDSTENE, in his official**
20 **capacity as Executive Officer of the**
21 **California Air Resources Board,**

22 Defendant.
23

Case No. 1:09-cv-02234-LJO-DLB

24 **STIPULATION AND ORDER**
25 **ALLOWING PLAINTIFFS TO FILE**
26 **SECOND AMENDED COMPLAINT**
27 **FOR DECLARATORY AND**
28 **INJUNCTIVE RELIEF**

29 **WHEREAS** on December 23, 2009, Plaintiffs Rocky Mountain Farmers Union,
30 Redwood County Minnesota Corn and Soybean Growers, Penny Newman Grain, Inc., Growth
31 Energy, and Renewable Fuels Association (collectively "Plaintiffs") filed their Complaint for
32 Declaratory and Injunctive Relief against Defendant James N. Goldstene, in his official
33 capacity as Executive Officer of the California Air Resources Board ("Defendant") in this
34 action.

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1 **WHEREAS** on January 11, 2010, Plaintiffs filed their First Amended
2 Complaint for Declaratory and Injunctive Relief in this action, naming Rex Nederend as a
3 Plaintiff in this action.

4 **WHEREAS** Plaintiffs seek to file their Second Amended Complaint for
5 Declaratory and Injunctive Relief, which adds the Nisei Farmers League, the Fresno County
6 Farm Bureau, and the California Dairy Campaign as Plaintiffs in this action.

7 **WHEREAS** a copy of Plaintiffs’ proposed Second Amended Complaint for
8 Declaratory and Injunctive Relief is attached hereto as Exhibit “A.”

9 **IT IS HEREBY STIPULATED**, by and between Plaintiffs and Defendant, by
10 and through their respective counsel, that:

11 1. Plaintiffs Rocky Mountain Farmers Union, Redwood County Minnesota
12 Corn and Soybean Growers, Penny Newman Grain, Inc., Rex Nederend, Growth Energy, and
13 Renewable Fuels Association should be granted leave to amend to file their Second Amended
14 Complaint for Declaratory and Injunctive Relief, a copy of which is attached hereto as Exhibit
15 “A.”

16 2. Defendant’s responsive pleading shall be due thirty (30) days after the
17 Second Amended Complaint for Declaratory and Injunctive Relief is filed.

18 Dated: January 26, 2010

STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE

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20 By: /s/ Mark Poole
21 Mark Poole,
22 Attorneys for Defendant

23 Dated: January 26, 2010

JONES HELSLEY PC

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25 By: /s/ Timothy Jones
26 Timothy Jones,
27 Attorneys for all Plaintiffs

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1 **ORDER**

2 The Court having reviewed the foregoing Stipulation, and good cause appearing
3 therefor:

4 **IT IS HEREBY ORDERED** that Plaintiffs Rocky Mountain Farmers Union,
5 Redwood County Minnesota Corn and Soybean Growers, Penny Newman Grain, Inc., Rex
6 Nederend, Growth Energy, and Renewable Fuels Association are granted leave to amend to file
7 their Second Amended Complaint for Declaratory and Injunctive Relief, a copy of which is
8 attached hereto as Exhibit "A."

9 **IT IS ALSO ORDERED** that Defendant's responsive pleading shall be due
10 thirty (30) days after the Second Amended Complaint for Declaratory and Injunctive Relief is
11 filed.

12 **IT IS FURTHER ORDERED** that the Second Amended Complaint for
13 Declaratory and Injunctive Relief is deemed filed as of the date of this Order.

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16 IT IS SO ORDERED.

17 Dated: January 26, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE