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9 Attorneys for: All plaintiffs in Case No. 1:09-CV-02234-LJO-DLB

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

12 **ROCKY MOUNTAIN FARMERS UNION;**
 13 **REDWOOD COUNTY MINNESOTA**
 14 **CORN AND SOYBEANS GROWERS;**
 15 **PENNY NEWMAN GRAIN, INC.;**
 16 **FRESNO COUNTY FARM BUREAU;**
 17 **NISEI FARMERS LEAGUE;**
 18 **CALIFORNIA DAIRY CAMPAIGN; REX**
 19 **NEDEREND; GROWTH ENERGY and the**
 20 **RENEWABLE FUELS ASSOCIATION**

LEAD CASE NO.
 1:09-CV-02234-LJO-DLB

Consolidated With Case No.:
 1:10-CV-00163-LJO-DLB

STIPULATION AND ORDER
MODIFYING BRIEFING
SCHEDULE

Plaintiffs,

v.

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

Defendant.

and Related Consolidated Action

Plaintiffs Rocky Mountain Farmers Union; Redwood County Minnesota Corn
 And Soybeans Growers; Penny Newman Grain, Inc.; Fresno County Farm Bureau; Nisei
 Farmers League; California Dairy Campaign; Rex Nederend; Growth Energy and the
 Renewable Fuels Association (the "Rocky Mountain Plaintiffs"); Plaintiffs the National
 Petrochemical & Refiners Association, American Trucking Associations, The Center for North
 American Energy Security; and The Consumer Energy Alliance (the "NPRa Plaintiffs");

1 Defendant Intervenors the Natural Resources Defense Council, Sierra Club, Environmental
2 Defense Fund, and Conservation Law Foundation (collectively “Defendant-Intervenors”); and
3 Defendant James N. Goldstene, by and through their respective counsel of record, hereby
4 stipulate and agree as follows:

5 **WHEREAS** on January 14, 2011, this Court issued its Order on Defendants’
6 and Intervenors’ Fed. R. Civ. P. 56(d) Motion (Doc. 137) (the “Order”) in the above-captioned
7 proceeding;

8 **WHEREAS** the Order sets forth a briefing schedule for further discovery and
9 briefing in connection with the parties’ cross-motions for summary judgment;

10 **WHEREAS** the Order provides that “Plaintiffs’ responses to defendants’
11 discovery requests and the Rule 30(b)(6) deposition of Mr. Dinneen shall be conducted no later
12 than February 3, 2011”;

13 **WHEREAS** the parties have met and conferred, and have agreed, due to the
14 availability of Mr. Dinneen and counsel for the Renewable Fuels Association, that Mr.
15 Dinneen’s deposition will be conducted on February 4, 2011, in Washington, D.C.;

16 **WHEREAS**, based on the foregoing, the parties wish to modify the schedule set
17 forth in the Order to allow the deposition of Mr. Dinneen to be conducted no later than
18 **February 4, 2011**, instead of **February 3, 2011**; and

19 **WHEREAS** the parties agree that the other dates in the Order should be
20 extended accordingly.

21 **IT IS HEREBY STIPULATED**, by and between the parties, through their
22 respective counsel, that the Order should be revised as follows:

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1 1. The deadline for Defendants and Defendant-Intervenors to conduct the
2 Rule 30(b)(6) deposition of Mr. Dinneen should be moved from February 3, 2011, to **February**
3 **4, 2011.**

4 2. The deadline for the parties to file a joint status report to update the Court
5 as to status of the limited discovery should be moved from February 7, 2011, to **February 8,**
6 **2011.**

7 3. The deadline for Defendants' supplemental briefs on the pending
8 motions should be moved from February 17, 2011, to **February 18, 2011.**

9 4. The deadline for Amicus Curiae briefs, if any, should be moved from
10 February 28, 2011, to **March 1, 2011.**

11 5. The deadline for Plaintiffs' oppositions and reply briefs on all pending
12 motions should be moved from March 11, 2011, to **March 14, 2011;**

13 6. The deadline for Defendants' reply in support of their cross-motion for
14 summary judgment should be moved from March 25, 2011, to **March 28, 2011.**

15 Dated: January 25, 2011

STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE

17 By: /s/ Mark Poole
18 Mark Poole,
19 Attorneys for All Defendants

20 Dated: January 25, 2011

NATURAL RESOURCES DEFENSE COUNCIL

21 By: /s/ David Pettit
22 David Pettit,
23 Attorneys for Defendant Intervenor
Natural Resources Defense Council

24 Dated: January 25, 2011

SIERRA CLUB

25 By: /s/ Pat Gallagher
26 Pat Gallagher,
27 Attorneys for Defendant Intervenor
Sierra Club

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Dated: January 25, 2011

ENVIRONMENTAL DEFENSE FUND

By: /s/ Timothy O'Connor
Timothy O'Connor,
Attorneys for Defendant Intervenor
Environmental Defense Fund

Dated: January 25, 2011

CONSERVATION LAW FOUNDATION

By: /s/ Jane West
Jane West,
Attorneys for Defendant Intervenor
Conservation Law Foundation

Dated: January 25, 2011

SIDLEY AUSTIN LLP

By: /s/ Roger R. Martella, Jr.
Roger R. Martella, Jr.
Attorneys for the NPRA Plaintiffs

Dated: January 25, 2011

JONES HELSLEY PC

By: /s/ Timothy Jones
Timothy Jones,
Attorneys for the Rocky Mountain Plaintiffs

ORDER

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

IT IS HEREBY ORDERED that, the schedule set forth in the January 14, 2011, Order on Defendants’ and Intervenor’s Fed. R. Civ. P. 56(d) Motion (Doc. 137), is modified as follows:

1. The deadline for Defendants and Defendant-Intervenors to conduct the Rule 30(b)(6) deposition of Mr. Dinneen shall be moved from February 3, 2011, to **February 4, 2011.**

2. The deadline for parties to file a joint status report to update the Court as to status of the limited discovery shall be moved from February 7, 2011, to **February 8, 2011.**

3. The deadline for Defendants’ supplemental briefs on the pending motions shall be moved from February 17, 2011, to **February 18, 2011.**

4. The deadline for Amicus Curiae briefs, if any, shall be moved from February 28, 2011, to **March 1, 2011.**

5. The deadline for Plaintiffs’ oppositions and reply briefs on all pending motions shall be moved from March 11, 2011, to **March 14, 2011;**

6. The deadline for Defendants’ reply in support of their cross-motion for summary judgment shall be moved from March 25, 2011, to **March 28, 2011.**

DATED: January 26, 2011

/s/ Lawrence J. O’Neill _____
Honorable Lawrence J. O’Neill