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7 || Attorneys for: All Plaintiffs

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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

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

**STIPULATION AND ORDER  
GRANTING NATURAL  
RESOURCES DEFENSE COUNCIL,  
INC., SIERRA CLUB, AND  
CONSERVATION LAW  
FOUNDATION LEAVE TO  
INTERVENE**

Plaintiffs,

V.

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

Defendant.

23                   **WHEREAS** on January 28, 2010, Plaintiffs Rocky Mountain Farmers Union,  
24 Redwood County Minnesota Corn and Soybean Growers, Penny Newman Grain, Inc., Growth  
25 Energy, Renewable Fuels Association, Rex Nederend, Nisei Farmers League, the Fresno  
26 County Farm Bureau, and the California Dairy Campaign (collectively “Plaintiffs”) filed their  
27 Second Amended Complaint for Declaratory and Injunctive Relief (the “Second Amended

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1 Complaint") against Defendant James N. Goldstene, in his official capacity as Executive  
2 Officer of the California Air Resources Board ("Defendant") in this action. (Docket No. 11.)

3 **WHEREAS** on March 24, 2010, Natural Resources Defense Council, Inc.  
4 ("NRDC"), Sierra Club, and Conservation Law Foundation (collectively the "Applicants")  
5 filed their Motion to Intervene in this action, pursuant to Rule 24 of the Federal Rules of Civil  
6 Procedure. (See Docket No. 17.)

7 **WHEREAS** on March 31, 2010, Defendant filed its Motion to Dismiss the  
8 Second Amended Complaint in this action, which is scheduled for hearing on May 26, 2010.  
9 (See Docket No. 23.)

10 **WHEREAS** Defendant is agreeable to affording Applicants leave to intervene,  
11 under the conditions stated below.

12 **IT IS HEREBY STIPULATED**, by and between Plaintiffs, Defendant, and  
13 Applicants, by and through their respective counsel, that:

14 1. Applicants may be granted leave to intervene in this action under the  
15 following conditions:

16 a. Applicants shall coordinate their positions in this action with  
17 Defendant, and shall file motions and/or briefs only if the Defendant refuses to make an  
18 argument that Applicants consider relevant; and

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b. Applicants shall not file a separate motion to dismiss the Second Amended Complaint; however, Applicants may either (i) join in Defendant's reply brief or (ii) file a separate reply brief if Defendant does not file his own reply brief.

Dated: April 16, 2010

STATE OF CALIFORNIA,  
DEPARTMENT OF JUSTICE

By: /s/ Mark Poole  
Mark Poole,  
Attorneys for Defendant

Dated: April 16, 2010

## JONES HELSLEY PC

By: /s/ Timothy Jones  
Timothy Jones,  
Attorneys for all Plaintiffs

Dated: April 16, 2010

# NATURAL RESOURCES DEFENSE COUNCIL

By: /s/ David Pettit  
David Pettit,  
Attorneys for Applicants Natural Resources  
Defense Council, Inc. and Conservation  
Law Foundation

Dated: April 16, 2010

SIERRA CLUB

By: /s/ Pat Gallagher  
Pat Gallagher,  
Attorneys for Applicant Sierra Club

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## ORDER

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

**IT IS HEREBY ORDERED** that Applicants Natural Resources Defense Council, Inc., Sierra Club, and Conservation Law Foundation (collectively the “Applicants”) are granted leave to intervene in this action under the following conditions:

a. Applicants shall coordinate their positions in this action with Defendant, and shall file motions and/or briefs only if the Defendant refuses to make an argument that Applicants consider relevant; and

b. Applicants shall not file a separate motion to dismiss the Second Amended Complaint; however, Applicants may either (i) join in Defendant's reply brief or (ii) file a separate reply brief if Defendant does not file his own reply brief.

DATED: April 19, 2010

/s/ Lawrence J. O'Neill  
Honorable Lawrence J. O'Neill