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7 Attorneys for: All Plaintiffs
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9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**

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

16 Plaintiffs,
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18 v.

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

21 Defendant.
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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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 {7011/005/00249675.DOC}

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

4 Dated: April 16, 2010

STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE

6 By: /s/ Mark Poole
7 Mark Poole,
8 Attorneys for Defendant

9 Dated: April 16, 2010

JONES HELSLEY PC

11 By: /s/ Timothy Jones
12 Timothy Jones,
13 Attorneys for all Plaintiffs

14 Dated: April 16, 2010

NATURAL RESOURCES
DEFENSE COUNCIL

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

20 Dated: April 16, 2010

SIERRA CLUB

22 By: /s/ Pat Gallagher
23 Pat Gallagher,
24 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