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

21 Plaintiffs,

22 v.

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

26 Defendant.
27

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

STIPULATION AND ORDER TO
FURTHER CONTINUE
MANDATORY SCHEDULING
CONFERENCE

Scheduling Conference
July 28, 2010 at 9:00 a.m. Courtroom 9

28 **WHEREAS** on January 28, 2010, Plaintiffs Rocky Mountain Farmers Union,
29 Redwood County Minnesota Corn and Soybean Growers, Penny Newman Grain, Inc., Growth
30 Energy, Renewable Fuels Association, Rex Nederend, Nisei Farmers League, the Fresno
31 County Farm Bureau, and the California Dairy Campaign (collectively "RMFU Plaintiffs")
32 filed their Second Amended Complaint for Declaratory and Injunctive Relief (the "Second
33 Amended Complaint") against Defendant James N. Goldstene, in his official capacity as

1 Executive Officer of the California Air Resources Board (“Defendant”) in this action. (Docket
2 No. 11.)

3 **WHEREAS** on February 2, 2010, the National Petrochemical & Refiners
4 Association (“NPRA”), American Trucking Associations (“ATA”) and the Center for North
5 American Energy Security (“CNAES”) (collectively “NPRA Plaintiffs”), filed a Complaint for
6 Declaratory and Injunctive Relief and Jury Demand which challenges the same regulation at
7 issue in this action (“NPRA Action”).

8 **WHEREAS** Defendant filed motions to dismiss the Second Amended
9 Complaint in the instant action and the NPRA Plaintiffs’ complaint in the NPRA Action (the
10 “Motions to Dismiss”), which have been briefed and are scheduled to be heard on June 16,
11 2010, at 8:30 a.m. in Courtroom 4.

12 **WHEREAS** the Mandatory Scheduling Conferences for both actions are set for
13 the same day at the Defendants’ request and are presently set for June 30, 2010, at 9:15 a.m. in
14 Courtroom No. 9.

15 **WHEREAS** Defendant has requested, and both the RMFU Plaintiffs and the
16 NPRA Plaintiffs have agreed to stipulate to continue the Mandatory Scheduling Conference to
17 July 28, 2010, to accommodate the Court’s hearing and ruling on the Motions to Dismiss.

18 **WHEREAS** all parties are available to conduct the Mandatory Scheduling
19 Conference in these actions on July 28, 2010, and have agreed to hold it on this date.

20 **IT IS HEREBY STIPULATED**, by and between Plaintiffs in both actions and
21 Defendants, by and through their respective counsel, that:

22 1. The Mandatory Scheduling Conference in this Action, previously scheduled for
23 June 30, 2010, should be continued to July 28, 2010, at 9:15 a.m. or such time as may be set by
24 the Court, in Courtroom 9 (6th Floor).

25 Dated: June 7, 2010

STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE

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

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Dated: June 7, 2010

JONES HELSLEY PC

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

Dated: June 7, 2010

NATURAL RESOURCES
DEFENSE COUNCIL

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

Dated: June 7, 2010

SIERRA CLUB

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

ORDER

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

IT IS HEREBY ORDERED that the Mandatory Scheduling Conference in this
action, previously scheduled for June 30, 2010, shall be continued to July 28, 2010, at 9:00
a.m. in Courtroom 9 (6th Floor).

IT IS SO ORDERED.

Dated: June 7, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE