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5 **Counsel For Plaintiffs**

6 [ADDITIONAL PARTIES AND COUNSEL  
7 SHOWN ON SIGNATURE PAGE]

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10 FRESNO DIVISION

11 **NATIONAL PETROCHEMICAL &** )  
12 **REFINERS ASSOCIATION, AMERICAN** )  
13 **TRUCKING ASSOCIATIONS, THE** )  
14 **CENTER FOR NORTH AMERICAN** )  
15 **ENERGY SECURITY, and THE** )  
16 **CONSUMER ENERGY ALLIANCE,** )

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

**STIPULATION AND ORDER TO  
CONTINUE MANDATORY  
SCHEDULING CONFERENCE**

15 Plaintiffs,

16 v.

17 **JAMES GOLDSTENE**, in his official )  
capacity as Executive Officer of the )  
18 California Air Resources Board; **MARY D.** )  
**NICHOLS, DANIEL SPERLING, KEN** )  
19 **YEAGER, DORENE D'ADAMO,** )  
**BARBARA RIORDAN, JOHN R.** )  
20 **BALMES, LYDIA H. KENNARD,** )  
**SANDRA BERG, RON ROBERTS, JOHN** )  
21 **G. TELLES, and RONALD O.** )  
**LOVERIDGE**, in their official capacities as )  
22 members of the California Air Resources )  
Board; **ARNOLD SCHWARZENEGGER** )  
23 in his official capacity as Governor of the )  
State of California; and **EDMUND G.** )  
24 **BROWN, JR.** in his official capacity as )  
Attorney General of the State of California, )  
25 )

26 Defendants

1                   **WHEREAS** on February 2, 2010, the National Petrochemical & Refiners Association  
2 (“NPRA”), American Trucking Associations (“ATA”) and the Center for North American Energy  
3 Security (“CNAES”) (collectively “Plaintiffs”), filed a Complaint for Declaratory and Injunctive  
4 Relief and Jury Demand (“this Action”).

5                   **WHEREAS** on January 28, 2010, the Rocky Mountain Farmers Union, Redwood County  
6 Minnesota Corn and Soybean Growers, Penny Newman Grain, Inc., Growth Energy, Renewable Fuels  
7 Association, Rex Nederend, Nisei Farmers League, the Fresno County Farm Bureau, and the California  
8 Dairy Campaign, filed a Second Amended Complaint for Declaratory and Injunctive Relief which  
9 challenges the same regulation at issue in this action. *See Rocky Mountain Farmers Union v. James N.*  
10 *Goldstene*, Case No. 1:09-cv-02234-LJO-DLB (“Rocky Mountain Farmers Action”).

11                   **WHEREAS** the Mandatory Scheduling Conferences for both actions are set for the  
12 same day at the Defendants’ request and are presently set for May 4, 2010, at 9:15 a.m. in  
13 Courtroom No. 9.

14                   **WHEREAS** counsel for NPRA have a conflict on this date and wish to reschedule  
15 the Mandatory Scheduling Conference.

16                   **WHEREAS** all parties are available to conduct the Mandatory Scheduling  
17 Conference in these actions on June 30, 2010, and have agreed to hold it on this date.

18  
19                   **IT IS HEREBY STIPULATED**, by and between Plaintiffs in both actions and  
20 Defendants, by and through their respective counsel, that:

21                   1.       The Mandatory Scheduling Conference in this Action, previously scheduled for  
22 May 4, 2010, should be continued to June 30, 2010, at 9:15 a.m. or such time as may be set by the Court,  
23 in Courtroom 9 (6th Floor).

1 DATED: April 15, 2010

STATE OF CALIFORNIA,  
DEPARTMENT OF JUSTICE

2  
3 By: /s/ Mark Poole  
4 Mark Poole,  
Counsel for Defendants

5 DATED: April 15, 2010

SIDLEY AUSTIN LLP

6 By: /s/ Marie L. Fiala  
7 Maria Fiala  
8 Counsel for Plaintiffs

9  
10 [ADDITIONAL COUNSEL OF RECORD]

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*Counsel for Plaintiff Center for  
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**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 May 4, 2010, shall be continued to June 30, 2010, at 9:30 am in Courtroom 9 (6th Floor).

IT IS SO ORDERED.

Dated: April 21, 2010

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE