

1 MARIE L. FIALA (CA Bar No. 79676)
 SIDLEY AUSTIN LLP
 2 555 California Street, Suite 2000
 San Francisco, CA 94104-1715
 3 Telephone: 415-772-1200
 Facsimile: 415-772-7400
 4 mfiala@sidley.com

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,**

15 Plaintiffs,

16 v.

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

26 Defendants

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

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

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”). (See Docket No. 1.)

5 **WHEREAS** on March 31, 2010, Natural Resources Defense Council, Inc. (“NRDC”),
6 Sierra Club, and Conservation Law Foundation (collectively the “Applicants”) filed their Motion to
7 Intervene in this action, pursuant to Rule 24 of the Federal Rules of Civil Procedure. (See Docket No.
8 24.)

9 **WHEREAS** on March 31, 2010, Defendants filed their Motion to Dismiss the Complaint
10 in this action, which is scheduled for hearing on May 26, 2010. (See Docket No. 25.)

11 **WHEREAS** Defendants are agreeable to affording Applicants leave to intervene, under
12 the conditions stated below.

13
14 **IT IS HEREBY STIPULATED**, by and between Plaintiffs, Defendants, and Applicants,
15 by and through their respective counsel, that:

16
17 1. Applicants may be granted leave to intervene in this action under the following
18 conditions:

19
20 a. Applicants shall coordinate their positions in this action with Defendants,
21 and shall file motions and/or briefs only if the Defendants refuse to make an argument that Applicants
22 consider relevant; and

1 b. Applicants shall not file a separate motion to dismiss the Complaint;
2 however, Applicants may either (i) join in Defendants' reply brief or (ii) file a separate reply brief if
3 Defendants do not file their own reply brief.
4

5 DATED: April 23, 2010

STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE

7 By: /s/ Mark Poole (as authorized on
8 4/21/2010)

Mark Poole,
Counsel for Defendants

9
10 DATED: April 23, 2010

SIDLEY AUSTIN LLP

11 By: /s/ Marie L. Fiala

12 Maria Fiala
Counsel for Plaintiffs

13 DATED: April 23, 2010

NATURAL RESOURCES
DEFENSE COUNCIL

15 By: /s/ David Pettit (as authorized on
16 4/21/2010)

17 David Pettit
18 Counsel for Applicants Natural Resources
19 Defense Council, Inc. and Conservation
20 Law Foundation

21 DATED: April 23, 2010

SIERRA CLUB

22 By: /s/ Pat Gallagher (as authorized on
23 4/21/2010)

24 Pat Gallagher,
25 Counsel for Applicant Sierra Club
26
27
28

1 [ADDITIONAL COUNSEL OF RECORD]

2 Roger R. Martella, Jr. (DC Bar No. 976771)

3 Paul J. Zidlicky (DC Bar No. 450196)

4 James W. Coleman (DC Bar No. 986626)

5 *Pro Hac Vice*

6 SIDLEY AUSTIN LLP

7 1501 K Street, N.W.

8 Washington, D.C. 20005

9 Telephone: 202-736-8000

10 Facsimile: 202-736-8711

11 rmartella@sidley.com

12 pzidlicky@sidley.com

13 jcoleman@sidley.com

14

15 *Counsel for Plaintiffs*

16 Kurt E. Blase (DC Bar No. 288779)

17 Blase Law Group

18 879 N. Kentucky St.

19 Arlington, VA 22205

20 Telephone: 703-525-3161

21 Facsimile: 703-525-3161

22 kurt@blasegroup.com

23

24 *Counsel for Plaintiff Center for*

25 *North American Energy Security*

26

27

28

