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5 **Counsel For Plaintiffs**

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

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

18 Plaintiffs,)

19 v.)

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

Defendants)

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

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE
MANDATORY SCHEDULING
CONFERENCE**

1 **WHEREAS** on February 2, 2010, Plaintiffs National Petrochemical & Refiners
2 Association, American Trucking Associations, the Center for North American Energy Security,
3 and the Consumer Energy Alliance filed a Complaint for Declaratory and Injunctive Relief and
4 Jury Demand.

5
6 **WHEREAS** on January 28, 2010, Rocky Mountain Farmers Union, Redwood
7 County Minnesota Corn and Soybean Growers, Penny Newman Grain, Inc., Growth Energy,
8 Renewable Fuels Association, Rex Nederend, Nisei Farmers League, the Fresno County Farm
9 Bureau, and the California Dairy Campaign (collectively “RMFU Plaintiffs”) filed a Second
10 Amended Complaint for Declaratory and Injunctive Relief (the “Second Amended
11 Complaint”) which challenges the same regulation at issue in this action.

12
13 **WHEREAS** Defendants filed motions to dismiss the Complaint in this action
14 and the RMFU Plaintiffs’ complaint in the related action which have been briefed and are
15 scheduled to be heard on June 16, 2010, at 8:30 a.m. in Courtroom 4.

16
17 **WHEREAS** the Mandatory Scheduling Conferences for both actions are set for
18 the same day at the Defendants’ request and are presently set for June 30, 2010, at 9:15 a.m. in
19 Courtroom No. 9.

20
21 **WHEREAS** Defendants have requested, and both the Plaintiffs and the RMFU
22 Plaintiffs have agreed, to stipulate to continue the Mandatory Scheduling Conference to July
23 28, 2010, to accommodate the Court’s hearing and ruling on the Motions to Dismiss.

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

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IT IS HEREBY STIPULATED, by and between Plaintiffs in both actions and

Defendants, by and through their respective counsel, that:

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

Dated: June 8, 2010

STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE

By: /s/ Mark Poole (as authorized on 6/8/2010)
Mark Poole,
Attorneys for Defendant

Dated: June 8, 2010

SIDLEY AUSTIN LLP

By: /s/ Roger R. Martella, Jr.
Roger R. Martella, Jr.,
Attorneys for Plaintiffs

Dated: June 8, 2010

NATURAL RESOURCES
DEFENSE COUNCIL

By: /s/ David Pettit (as authorized on 6/8/2010)
David Pettit,
Attorneys for Applicants Natural Resources
Defense Council, Inc. and Conservation
Law Foundation

Dated: June 8, 2010

SIERRA CLUB

By: /s/ Pat Gallagher (as authorized on 6/8/2010)
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 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 9, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE