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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14 FRESNO DIVISION
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16 **LOYD'S AVIATION, INC., et al.,**

17 **Plaintiffs,**

18 **v.**

19 **CENTER FOR ENVIRONMENTAL**
20 **HEALTH; KAMALA HARRIS,**
21 **ATTORNEY GENERAL OF THE STATE**
22 **OF CALIFORNIA, in her official capacity;**
23 **and DOES 1-50,**

24 **Defendants.**

Case No. 1:11-CV-01078-AWI-DLB

STIPULATION AND ORDER
CONTINUING HEARING ON
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION,
SETTING BRIEFING SCHEDULE,
EXTENDING DEADLINE TO
RESPOND TO COMPLAINT, AND
ADDRESSING OTHER MATTERS

Date: July 12, 2011
Time: 10:00 a.m.
Judge: Hon. Anthony W. Ishii

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1 Plaintiffs filed a Motion for Temporary Restraining Order and Preliminary Injunction
2 (“Motion for Preliminary Injunction”) on June 30, 2011, and served the motion on Defendants
3 Center for Environmental Health (“CEH”) and the Attorney General of the State of California on
4 July 1, 2011. Also on July 1, the Court set a briefing schedule for the Temporary Restraining
5 Order, with a hearing to occur on July 12, 2011, at 10:00 a.m.

6 Plaintiffs (through their counsel of record, Jones Day), and Defendants Center for
7 Environmental Health (“CEH”) (specially appearing through its counsel, Lexington Law Group)
8 and the Attorney General of the State of California, have met and conferred regarding the Motion
9 for Preliminary Injunction. Plaintiffs and Defendants stipulate, and respectfully request that the
10 Court enter the below Order, as follows:

- 11 1. CEH shall not file suit under California’s Proposition 65 (Cal. Health and Safety
12 Code section 25249.5 *et seq.*) against any of the Plaintiffs with regard to lead in
13 aviation gas, until the earlier of (1) one business day after this Court enters an
14 order deciding Plaintiffs’ Motion for Preliminary Injunction; or (2) October 28,
15 2011. In the event that CEH files suit under California’s Proposition 65 against
16 any other recipient of its May 9, 2011, Notices of Violation, CEH shall not refer to
17 or rely upon the existence of such other suit in opposing Plaintiffs’ Motion for
18 Preliminary Injunction. CEH enters into this stipulation and appears specially and
19 solely to resolve issues of timing in this matter without waiving any defenses to
20 the Court’s jurisdiction of the matter.
- 21 2. The Attorney General enters into this stipulation and appears specially and solely
22 to resolve issues of timing in this matter without waiving any defenses to the
23 Court’s jurisdiction of the matter. The Attorney General is investigating this
24 matter and she has made no decision to file suit against any of the Plaintiffs. The
25 Attorney General agrees that, in the event that she determines that it is appropriate
26 to file suit under California’s Proposition 65 (Cal. Health and Safety Code section
27 25249.5 *et seq.*) against any of the Plaintiffs with regard to lead in aviation gas,
28 she will first provide thirty days written notice (by electronic mail to Plaintiffs’

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counsel) that the Attorney General intends to file such suit.

3. Unless Plaintiffs request an earlier hearing date in response to any notice given by the Attorney General under paragraph 2, above, the hearing on Plaintiffs' Motion for Preliminary Injunction shall be continued to **October 3, 2011 at 1:30 p.m.** Defendants shall file and serve their opposition papers no later than 12:00 p.m. on **September 19, 2011.** Plaintiffs shall file and serve their reply papers no later than 12:00 p.m. on **September 26, 2011.**
4. Defendants need not file a response to the Complaint until a date set by the Court after it rules on the Motion for Preliminary Injunction.
5. In light of this Stipulation and Order, the Plaintiffs withdraw their request for a Temporary Restraining Order.

IT IS SO STIPULATED.

