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18 UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA
20 FRESNO DIVISION

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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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-DLB Padres Hacia

una Vida Mejor et al v. Jackson et al
17 PADRES HACIA UNA VIDA MEJOR, an
18 unincorporated association, and EL PUEBLO PARA
19 EL AIRE Y AGUA LIMPIO, an unincorporated
20 association,
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22 Plaintiffs,
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24 v.
25 LISA P. JACKSON, in her official capacity as
26 Administrator of the U.S. Environmental Protection
27 Agency, and U.S. ENVIRONMENTAL
28 PROTECTION AGENCY,
29
30 Defendants.

CASE No. 1:11-cv-01094-AWI-DLB Doc. 20

**STIPULATION AND ~~PROPOSED~~
ORDER TO STAY PROCEEDINGS
PENDING SETTLEMENT
NEGOTIATIONS**

1 WHEREAS, on or about December 12, 1994, Plaintiffs Padres Hacia una Vida Mejor
2 and El Pueblo para el Aire y Agua Limpio (collectively "Padres") filed an administrative
3 complaint with EPA's Office of Civil Rights ("OCR") pursuant to EPA's regulations
4 implementing Title VI of the Civil Rights Act, 42 U.S.C. § 2000d. The Title VI complaint
5 alleged that the California agencies responsible for California's three Class I toxic waste
6 dumps were discriminating against Padres in the siting, permitting, expansion, and operation
7 of the dumps, which the complaint alleged are all located in low-income, rural, Latino
8 communities;

9 WHEREAS, on June 30, 2011, Padres sought relief in this Court under the
10 Administrative Procedure Act ("APA"), 5 U.S.C. § 706(1);

11 WHEREAS, on September 2, 2011, Defendants Lisa P. Jackson, *et al.* (collectively
12 "EPA") filed a Motion to Dismiss this action, and on October 17, 2011, Padres filed an
13 opposition to the Motion to Dismiss;

14 WHEREAS, on December 5, 2011, counsel for EPA and counsel for Padres conferred
15 regarding the possibility of settlement; and

16 WHEREAS, counsel for Padres and counsel for EPA desire to stay proceedings for a
17 reasonable period of time to allow the parties to explore settlement.

18 NOW THEREFORE, the parties, by and through their undersigned counsel, hereby
19 stipulate to the following:

20
21 1. All proceedings shall be stayed for 45 days from the date of entry of this Order
22 during which period EPA's Motion to Dismiss shall be held in abeyance and the Scheduling
23 Conference currently set for January 5, 2012 shall be vacated.

24 2. The Parties shall file a Joint Status Report 45 days from the date of entry of this
25 Order to advise the Court on the status of settlement.

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COUNSEL FOR PLAINTIFF:

Dated: December 13, 2011

/s/ Brent Newell
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COUNSEL FOR DEFENDANTS:


Dated: December 13, 2011

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12-14-11


Anthony W. Ishii
UNITED STATES DISTRICT JUDGE