

1 DANIEL C. CEDERBORG
County Counsel
2 BRUCE B. JOHNSON
Principal Deputy County Counsel – SBN 142968
3 FRESNO COUNTY COUNSEL
2220 Tulare Street, Suite 500
4 Fresno, California 93721
5 Telephone: (559) 600-3479
6 Facsimile: (559) 600-3480
7 Attorneys for Defendant, COUNTY OF FRESNO

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

12 CALIFORNIA RIVER WATCH,
13
14 Plaintiff,
15 v.
16 COUNTY OF FRESNO; DOES
17 1-10, Inclusive
18 Defendants.

Case No. 1:14-cv-01501-MJS

**STIPULATION AND ORDER
CONCERNING PLEADINGS AND
CONTINUING INITIAL SCHEDULING
CONFERENCE DATE**

19
20 **RECITALS**

21 In plaintiff’s original Complaint, plaintiff alleges that defendant, COUNTY OF FRESNO
22 (“the County”), violated provisions of the Safe Drinking Water Act (“SDWA”), 42 U.S.C. §§
23 300f, *et seq.* The County filed its Answer to Complaint (Doc. # 5) on October 21, 2014. After
24 the County filed its Answer, the parties filed pleadings consenting to the jurisdiction of U.S.
25 Magistrate Judge Michael J. Seng. In response, the Court entered a text-only minute order
26 reassigning the case to Judge Seng. (Doc. # 9.) Thereafter, the Court entered another text-only
27 minute order setting an Initial Scheduling Conference for December 11, 2014, at 11:00 a.m. in
28 Courtroom 6 (Judge Seng’s courtroom). (Doc. # 10.)

1 On September 25, 2014, plaintiff also served upon the County a notice of intent to sue
2 under the federal Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901, *et*
3 *seq.* Plaintiff avers that the RCRA notice is founded upon the same basic set of facts as the
4 instant lawsuit, which presently contains only an SDWA-based claim for relief. Plaintiff further
5 avers that plaintiff is precluded from filing a RCRA-based suit until 90 days after service of the
6 RCRA notice. Plaintiff further avers that plaintiff intends to amend the above-referenced lawsuit
7 to include a RCRA-based claim for relief, but cannot do so until after the Court’s recently-
8 calendared Initial Scheduling Conference (again: December 11, 2014).

9 The parties agree that optimally, the operative pleadings – complaint and answer --
10 should be settled before a Joint Scheduling Report is required to be filed and an Initial
11 Scheduling Conference is to be held. For that reason, the parties stipulate and agree as provided
12 below.

13 **STIPULATION**

14 IT IS STIPULATED AND AGREED that:

- 15 1. Plaintiff may file a First Amended Complaint no later than January 8, 2015.
- 16 2. The County may file a pleading responsive to the First Amended Complaint no
17 later than twenty-one (21) days after plaintiff files and serves the First Amended Complaint.
- 18 3. On or before February 12, 2015, the parties shall file in CM/ECF, and e-mail to
19 mjsorders@caed.uscourts.gov, a Joint Scheduling Report, carefully prepared by the parties and
20 signed by all counsel.
- 21 4. An Initial Scheduling Conference shall be, and is, set for February 19, 2015, at
22 11:00 a.m. in Courtroom 6 (MJS), before Magistrate Judge Michael J. Seng.

23 Dated: October 30, 2014

DANIEL C. CEDERBORG
County Counsel

25 S/ Bruce B. Johnson
26 Bv: _____
27 BRUCE B. JOHNSON
28 Principal Deputy, Attorneys for
Defendant, COUNTY OF FRESNO

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Dated: October 30, 2014

LAW OFFICE OF DAVID J. WEINOFF

S/ David J. Weinoff
By: _____
DAVID J. WEINOFF, Esq.
Attorneys for Plaintiff, CALIFORNIA
RIVER WATCH

ORDER

The Court, having reviewed the foregoing recitals and stipulation in Case No. 1:14-cv-01501-MJS , and finding good cause exists, hereby ORDERS the stipulation APPROVED.

IT IS SO ORDERED.

Dated: October 30, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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PROOF OF SERVICE

California River Watch v. County of Fresno, et al.
United States District Court 1:14-CV-01501-MJS

I, JOAN CUADROS, declare as follows:

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed at the Fresno County Counsel’s Office, 2220 Tulare Street, Fifth Floor, Fresno, California, 93721.

On October 30, 2014, I served a copy(ies) of the within documents

STIPULATION AND ORDER CONCERNING PLEADINGS AND CONTINUING INITIAL SCHEDULING CONFERENCE DATE

on the interested party(ies) in said action addressed as follows:

Jack Silver, Esq.
Law Office of Jack Silver
Post Office Box 5469
Santa Rosa, CA 95402-5469

Via electronic filing

David J. Weinsoff, Esq.
Law Office of David J. Weinsoff
138 Ridgeway Avenue
Fairfax, CA 94930

Via electronic filing

- by placing the document(s) listed above for mailing in the United States mail at Fresno, California, in accordance with my employer's ordinary practice for collection and processing of mail, and addressed as set forth above.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth above.
- via electronic filing. The above party/ies is/are registered with the United States District Court to receive notice of electronically filed documents. Per ECF rules, hard copies must be served only on parties who are not set up for electronic notification.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Executed on October 30, 2014, at Fresno, California.

3 S/ Joan Cuadros
4 JOAN CUADROS

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