

1 JOHN C. CRUDEN
Acting Assistant Attorney General
2 Environment & Natural Resources Division
LESLIE M. HILL
3 MICHELLE R. LAMBERT
Trial Attorneys
4 United States Department of Justice
Environment & Natural Resources Division
5 Environmental Defense Section
P.O. Box 23986
6 Washington, DC 20044-3986
Telephone: (202) 514-0375
7 Facsimile: (202) 514-8865
E-mail: leslie.hill@usdoj.gov;
8 michelle.lambert@usdoj.gov

9 Attorneys for Defendants

10 MICHAEL E. WALL (Cal. Bar No. 170238)
NATURAL RESOURCES DEFENSE COUNCIL
11 111 Sutter Street, 20th Floor
San Francisco, California 94104
12 Telephone: (415) 875-6100
13 Facsimile: (415) 875-6161
E-mail: mwall@nrdc.org

14 Attorneys for Plaintiffs

15 [Additional Counsel on Signature Page]

16 UNITED STATES DISTRICT COURT
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 ARC ECOLOGY, *et al.*,

19 Plaintiffs, and

20 CALIFORNIA REGIONAL WATER
21 QUALITY CONTROL BOARD,

22 v.
23

24 UNITED STATES MARITIME
25 ADMINISTRATION, *et al.*,

26 Defendants.
27
28

Case No. 2:07-cv-2320-GEB-GGH

STIPULATION AND [PROPOSED]
ORDER EXTENDING
ENVIRONMENTAL PLAINTIFFS'
DISCOVERY CUTOFF

Judge: Garland E. Burrell, Jr.

1 Plaintiffs Arc Ecology, San Francisco Baykeeper, and Natural Resources
2 Defense Council, Inc. (collectively “Environmental Plaintiffs”) and defendants
3 United States Maritime Administration (“MARAD”), Sean T. Connaughton, in his
4 official capacity as Maritime Administrator, United States Department of
5 Transportation, and Ray H. LaHood, in his official capacity as Secretary of
6 Transportation (collectively “Defendants”), stipulate to and respectfully propose the
7 following:

8 WHEREAS, Environmental Plaintiffs propounded document requests on
9 March 17, 2008, and on March 4, 2009; and

10 WHEREAS, on March 4, 2009, Environmental Plaintiffs noticed a deposition
11 of defendant MARAD pursuant to Fed. R. Civ. P. 30(b)(6); and

12 WHEREAS, on April 21, 2009, and May 4, 2009, Environmental Plaintiffs
13 filed a Notice of Motion and Motion to Compel Discovery Responses concerning the
14 above-referenced document requests and deposition notice; and

15 WHEREAS, the deposition of MARAD pursuant to Fed. R. Civ. P. 30(b)(6)
16 commenced with the deposition of MARAD, through two of its designated witnesses,
17 Carolyn Junemann and Eugene Magee, on May 21, 2009 and May 22, 2009,
18 respectively; and

19 WHEREAS, Defendants produced more than 20,000 pages of documents to
20 Environmental Plaintiffs in the two weeks before MARAD’s deposition commenced,
21 and have produced many thousand pages of documents since the deposition of
22 designated witnesses Dr. Junemann and Mr. Magee; and

23 WHEREAS, the parties to this discovery dispute have disagreements
24 concerning the adequacy of Defendants’ assertions of privilege with respect to a
25 number of documents that Defendants have withheld or redacted in responding to
26 Environmental Plaintiffs’ document requests; and

27 WHEREAS, the parties to the discovery dispute have met and conferred and
28 resolved certain of their disagreements concerning discovery; and

1 WHEREAS, on June 4, 2009, Defendants withdrew their assertions of
2 privilege as to a number of documents and, on June 10, 2009, produced those
3 documents to Environmental Plaintiffs; and

4 WHEREAS, Defendants withdrew their assertions of privilege as to a number
5 of additional documents on June 18, 2009, and subsequently produced documents;
6 and

7 WHEREAS, as part of a resolution of the parties' disputes concerns the
8 timing of Defendants' document productions, Defendants have agreed extend the
9 cutoff for Environmental Plaintiffs' discovery of Defendants and to permit the recall
10 of Dr. Junemann and Mr. Magee, previously deposed witnesses designated to testify
11 for MARAD, pursuant to Fed. R. Civ. P. 30(b)(6); and

12 WHEREAS, the parties agree that this stipulation will not interfere with the
13 time set for hearing of any motion or of trial; and

14 WHEREAS, the parties have agreed to memorialize certain of their
15 agreements in a separately filed Stipulation and Order Resolving Certain Discovery
16 Disagreements; and

17 THEREFORE, Environmental Plaintiffs and Defendants hereby stipulate as
18 follows:

19 1. The deadline for Environmental Plaintiffs, only, to complete discovery
20 of Defendants is extended from July 31, 2009, to August 31, 2009.

21
22 Respectfully submitted,

23 *For Environmental Plaintiffs:*

24 July 2, 2009

By: /s/ Michael E. Wall

25 MICHAEL E. WALL (Cal. Bar No. 170238)
26 NATURAL RESOURCES DEFENSE COUNCIL
27 111 Sutter Street, 20th Floor
28 San Francisco, California 94104
Tel.: (415) 875-6100; Fax: (415) 875-6161
E-mail: mwall@nrdc.org

1 THOMAS CMAR (admitted *pro hac vice*)
2 NATURAL RESOURCES DEFENSE COUNCIL
3 2 North Riverside Plaza, Suite 2250
4 Chicago, IL 60606-9997
5 Tel.: (312) 651-7906; Fax: (312) 651-7919
6 E-mail: tcmr@nrdc.org

7 SARAH LIPTON-LUBET (admitted *pro hac vice*)
8 NATURAL RESOURCES DEFENSE COUNCIL
9 1200 New York Ave., NW, Suite 400
10 Washington, DC 20005
11 Tel.: (202) 289-2405; Fax: (202) 289-1060
12 E-mail: slipton-lubet@nrdc.org

13 SCOTT ALLEN (Cal. Bar No. 178925)
14 LARIVIERE, GRUBMAN & PAYNE
15 19 Upper Ragsdale Drive, Suite 200
16 Monterey, CA 93940
17 Tel.: (831) 649-7531; Fax: (831) 649-8835
18 Email: sallen@lgpatlaw.com

19 DAVID A. NICHOLAS (admitted *pro hac vice*)
20 20 Whitney Road
21 Newton, MA 02460
22 Tel.: (617) 964-1548; Fax: (617) 663-6233
23 E-mail: dnicholas@verizon.net

24 Attorneys for plaintiffs Arc Ecology, San Francisco
25 Baykeeper, and Natural Resources Defense Council, Inc.

26 *For Defendants:*

27 JOHN C. CRUDEN
28 Acting Assistant Attorney General
Environment & Natural Resources Division

29 July 2, 2009

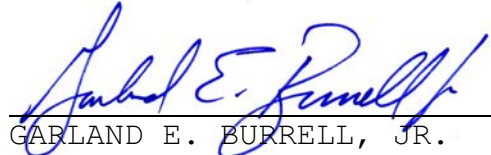
30 By: /s/ Michelle R. Lambert (as authorized 7/2/2009)

31 LESLIE M. HILL
32 MICHELLE R. LAMBERT
33 Trial Attorneys
34 United States Department of Justice
35 Environment & Natural Resources Division
36 Environmental Defense Section
37 P.O. Box 23986
38 Washington, DC 20026-3986
39 Telephone: (202) 616-7501
40 Facsimile: (202) 514-8865

ORDER

The foregoing stipulation by the parties is hereby approved and entered as an ORDER of the Court. It is so ORDERED.

Date: 7/2/09



GARLAND E. BURRELL, JR.
United States District Judge

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