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19 UNITED STATES DISTRICT COURT
20 EASTERN DISTRICT OF CALIFORNIA
21 SACRAMENTO DIVISION

22 COALITION FOR A SUSTAINABLE DELTA,
23 a California nonprofit corporation, *et al.*,

24 Plaintiffs,

25 v.

26 CITY OF STOCKTON, a municipal
27 corporation, and COUNTY OF SAN JOAQUIN,
28 a political subdivision of the State of California,

Defendants.

Case No. 2:09-cv-00466-JAM-KJN

**STIPULATION AND ORDER STAYING
PROCEEDINGS
AS MODIFIED BY THE COURT**



1 WHEREAS, on August 16, 2010, the Court issued a Stipulation and Order Modifying the
2 Second Amended Status Order (Docket #87), amending and establishing discovery, motion,
3 pretrial, and trial dates in this matter so as to allow the Parties to continue to settlement
4 discussions;

5 WHEREAS, for the period from August 16, 2010 to the present, the Parties have
6 continued to engage in substantive settlement discussions;

7 WHEREAS, during those settlement discussions, the Parties agreed to postpone discovery
8 and other trial preparation in the case pending the outcome of those discussions;

9 WHEREAS, the Parties have agreed to undertake an independent assessment of portions
10 of Defendants' MS4 program;

11 WHEREAS, the intent of the independent assessment is to provide a basis for the Parties
12 to reach a final settlement to be entered by the Court;

13 WHEREAS, the Parties anticipate that the independent assessment will not be completed
14 for approximately six months;

15 WHEREAS, the Parties desire to stay all pretrial proceedings and vacate all dates set by
16 the Stipulation and Order Modifying the Second Amended Status Order, pending completion of
17 the independent assessment and good faith efforts by the Parties to reach a final settlement; and

18 WHEREAS, notwithstanding the stay, the Parties desire to retain the ability to reinstitute
19 litigation in the event performance of the independent assessment becomes unreasonably delayed
20 or otherwise fails.

21 NOW THEREFORE IT IS HEREBY STIPULATED by and among the Parties that:

- 22 1. All proceedings in this action shall be stayed.
- 23 2. All dates set by the Stipulation and Order Modifying the Second Amended Status
24 Order (Docket #87) shall be vacated.
- 25 3. A status conference will be held on August 17, 2011 to inform the Court of the
26 Parties' progress towards final settlement.
- 27 4. During the period this case is stayed, any Party may reinstitute litigation by giving
28 two-weeks' notice of its intent to do so to the Court and the other Parties.



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DATED: February 18, 2011

BARG COFFIN LEWIS & TRAPP, LLP

/s/ Joshua A. Bloom
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Delta, Belridge Water Storage District, Berrenda
Mesa Water District, Cawelo Water District, North
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DATED: February 18, 2011

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/s/ Kanwarjit S. Dua
KANWARJIT S. DUA
Attorneys for Defendant City of Stockton

DATED: February 18, 2011

DOWNEY BRAND LLP

/s/ Nicole E. Granquist
NICOLE E. GRANQUIST
Attorneys for Defendant County of San Joaquin



ORDER

Having considered the Parties' stipulated request to stay all proceedings in this action and vacate all dates sets by the Stipulation and Order Modifying the Second Amended Status Order, and GOOD CAUSE appearing therefore, the Court hereby orders the following:

1. All proceedings in this action are hereby stayed.
2. All dates set by the Stipulation and Order Modifying the Second Amended Status Order (Docket #87) are hereby vacated.
3. **The parties shall file a joint status report on or before August 17, 2011 to inform the Court of the parties' progress towards final settlement.**

IT IS SO ORDERED.

DATED: February 22, 2011

/s/ John A. Mendez

Hon. John A. Mendez
United States District Court Judge

