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11 Attorneys for Plaintiff
PACIFIC MERCHANT SHIPPING ASSOCIATION,
12 a California Mutual Benefit Corporation

13 UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO

15 PACIFIC MERCHANT SHIPPING)
16 ASSOCIATION (“PMSA”), a California)
Mutual Benefit Corporation,)
17)
18 Plaintiff,)

19 vs.)

20 JAMES GOLDSTENE, in his official)
capacity as Executive Officer of the)
21 California Air Resources Board,)
22 Defendant,)

23 NATURAL RESOURCES DEFENSE)
24 COUNCIL, INC., COALITION FOR)
CLEAN AIR, INC., and SOUTH COAST)
25 AIR QUALITY MANAGEMENT)
26 DISTRICT,)
27 Defendants-Intervenors.)

) Case No.: 2:09-cv-01151-MCE-EFB
)
) **JOINT STIPULATION TO SHORTEN**
) **THE TIME FOR NOTICE, PLEADING,**
) **AND HEARING OF PLAINTIFF’S**
) **MOTION FOR MODIFICATION OF THE**
) **COURT’S JUNE 30, 2009**
) **MEMORANDUM AND ORDER**
) **DENYING PLAINTIFF’S MOTION FOR**
) **SUMMARY JUDGMENT TO ALLOW**
) **IMMEDIATE INTERLOCUTORY**
) **APPEAL PURSUANT TO 28 U.S.C.**
) **§1292(b); [PROPOSED] ORDER**
) **THEREON**

) Local Rule 6-144(e)
)
)
)
)

1 **TO THE COURT AND ALL RESPECTIVE PARTIES:**

2 **IT IS HEREBY STIPULATED** by and between Plaintiff Pacific Merchant Shipping
3 Association (“PMSA”), Defendant James Goldstene, and Defendant-Intervenors National Resources
4 Defense Council, Inc., Coalition for Clean Air, Inc., and South Coast Air Quality Management
5 District, through their respective counsel of record, that:
6

7 Plaintiff PMSA intends to file a motion to modify the Court’s Memorandum and Order of
8 June 30, 2009, denying PMSA’s Motion for Summary Judgment to include findings that would
9 support immediate interlocutory appeal pursuant to 28 U.S.C. §1292(b) (hereinafter referred to as the
10 “Motion for Modification”). Defendant and the Defendant-Intervenors will oppose this motion, but all
11 the parties have agreed that Plaintiff’s Motion for Modification may be heard by the Court on
12 shortened time and with shortened notice pursuant to Local Rule 6-144(e).
13

14 The parties, therefore, stipulate to and propose the following schedule for Plaintiff’s Motion
15 for Modification:
16

17 1. Hearing on Plaintiff’s Motion for Modification: Thursday, July 30, 2009, at 2:00
18 p.m. in Courtroom 7.

19 2. Plaintiff will electronically file its Motion for Modification and Memorandum in
20 support thereof no later than 5:00 p.m. on Monday, July 13, 2009.
21

22 3. Any Opposition by the Defendant or any of the Defendant-Intervenors to Plaintiff’s
23 Motion for Modification must be electronically filed no later than Wednesday, July 22, 2009.
24

25 ///

26 ///

27 ///

1 4. Any Reply by Plaintiff must be electronically filed no later than Friday, July 24,
2 2009.

3 **SO STIPULATED AND AGREED.**

4
5 FLYNN, DELICH & WISE, LLP

6 Dated: July 13, 2009

/s/ Erich P. Wise

7 Erich P. Wise

Nicholas S. Politis

8 Aleksandrs E. Drumalds

Attorneys for Plaintiff

9 PACIFIC MERCHANT SHIPPING

ASSOCIATION, a California Mutual Benefit Corporation

10
11 Edmund G. Brown, Jr. Attorney General of the State of
California

12 Dated: July 13, 2009

/s/ Nicholas Stern (as authorized on 7/13/09)

13 Nicholas Stern

Deputy Attorneys General

14 Attorneys for Defendant

15 JAMES GOLDSTENE, in his official capacity as Executive
Officer of the California Air Resources Board

16
17 NATURAL RESOURCES DEFENSE COUNCIL

18 Dated: July 13, 2009

/s/ Melissa Lin Perrella (as authorized on 7/13/09)

19 David R. Pettit

Melissa Lin Perrella

20 Attorneys for Defendants-Intervenors

NATURAL RESOURCES DEFENSE

21 COUNCIL and COALITION FOR CLEAN

22 AIR, INC.

23 SOUTH COAST AIR QUALITY MANAGEMENT
DISTRICT

24 Dated: July 13, 2009

/s/ Barbara Baird (as authorized on 7/13/09)

25 Kurt R. Wiese

Barbara Baird

26 Attorneys for Defendant-Intervenor

27 SOUTH COAST AIR QUALITY MANAGEMENT

28 DISTRICT

ORDER

Based on the foregoing Stipulation, **IT IS HEREBY ORDERED** that:

Plaintiff's Motion for Modification of the Court's June 30, 2009 Memorandum and Order Denying Plaintiff's Motion for Summary Judgment to Allow Immediate Interlocutory Appeal Pursuant to 28 U.S.C. §1292(b) will be heard on shortened time and with shortened notice pursuant to Local Rule 6-144(e).

1. The Motion for Modification is set for hearing on Thursday, July 30, 2009, at 2:00 p.m. in Courtroom 7.


2. Plaintiff must electronically file its Motion for Modification and Memorandum in support thereof no later than 5:00 p.m. on Monday, July 13, 2009.

3. Any Opposition by the Defendant or any of the Defendant-Intervenors to Plaintiff's Motion for Modification must be electronically filed no later than Wednesday, July 22, 2009.

4. Any Reply by Plaintiff must be electronically filed no later than Friday, July 24, 2009.

IT IS SO ORDERED.

DATED: July 15, 2009


MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE

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(562) 435-2626