

1 ANDREW L. PACKARD (State Bar No. 168690)
2 ERIK M. ROPER (State Bar No. 259756)
3 HALLIE B. ALBERT (State Bar No. 258737)
4 Law Offices of Andrew L. Packard
5 100 Petaluma Boulevard N., Suite 301
6 Petaluma, CA 94952
7 Tel: (707) 763-7227
8 Fax: (415) 763-9227
9 E-mail: andrew@packardlawoffices.com
10 erik@packardlawoffices.com
11 hallie@packardlawoffices.com

12 ROBERT J. TUERCK (State Bar No. 255741)
13 Jackson & Tuerck
14 P.O. Box 148
15 429 W. Main Street, Suite C
16 Quincy, CA 95971
17 Tel: (530) 283-0406
18 Fax: (530) 283-0416
19 E-mail: bob@jacksontuerck.com

20 Attorneys for Plaintiff
21 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

22 **UNITED STATES DISTRICT COURT**
23 **EASTERN DISTRICT OF CALIFORNIA**

24 CALIFORNIA SPORTFISHING
25 PROTECTION ALLIANCE, a non-profit
26 corporation,

27 Plaintiff,

28 vs.

29 CHICO SCRAP METAL, INC., a California
30 corporation, GEORGE SCOTT, SR., an
31 individual, and GEORGE SCOTT, JR., an
32 individual,

33 Defendants.

Case No. 2:10-cv-01207-GEB-GGH

STIPULATION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT;
[PROPOSED] ORDER THEREON

Judge: Hon. Garland E. Burrell, Jr.

34 WHEREAS, Plaintiff California Sportfishing Protection Alliance (“Plaintiff” or “CSPA”)
35 filed its Complaint in this action on May 17, 2010;

36 WHEREAS, Plaintiff filed its First Amended Complaint in this action on or about November
37 18, 2010;

1 WHEREAS, on or about October 11, 2010, Plaintiff allegedly learned that the George W.
2 Scott, Sr., Revocable Inter Vivos Trust (“the Trust”) owns the real property upon which the three
3 facilities at issue in this action are located;

4 WHEREAS, Defendant George W. Scott, Sr., serves as Trustee to the Trust;

5 WHEREAS, on or about October 11, 2010, Plaintiff provided notice of the Trust’s alleged
6 violations of the Federal Water Pollution Control Act (“Clean Water Act” or “Act”) (“Clean Water
7 Act Notice”), and of its intention to file suit against the Trust to the Administrator of the United
8 States Environmental Protection Agency (“EPA”); the Administrator of EPA Region IX; the
9 Executive Director of the State Water Resources Control Board; the Executive Officer of the
10 Regional Water Quality Control Board, Central Valley Region; and to the Trust, as required by the
11 Act, 33 U.S.C. § 1365(b)(1)(A);

12 WHEREAS, the 60-day statutory notice period of the Clean Water Act Notice will expire on
13 or about December 10, 2010;

14 WHEREAS, Plaintiff has provided Defendants herein a proposed Second Amended
15 Complaint (attached herein as **Exhibit A**) which adds the Trust as a Defendant subject to the Clean
16 Water Act-related claims contained therein;

17 THEREFORE, IT IS HEREBY STIPULATED by and among Plaintiff and Defendants, in
18 the interest of judicial economy:

19 A. That Plaintiff shall be permitted to file its proposed Second Amended Complaint on
20 December 10, 2010, or as soon thereafter as may be convenient for Plaintiff.

21 B. Defendants’ response to the Second Amended Complaint shall be electronically filed not
22 later than thirty-five (35) days after Plaintiff files its Second Amended Complaint.

23 C. Insofar as Plaintiff’s filing of the Second Amended Complaint will create a pleading that
24 supersedes the First Amended Complaint, Defendants’ time to respond to the First Amended
25 Complaint is extended to December 15, 2010 for tracking purposes only. When the Second
26 Amended Complaint is filed by Plaintiff, said deadline shall become moot.
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Dated: November 22, 2010

Respectfully submitted,
LAW OFFICES OF ANDREW L. PACKARD

By: /s/ Erik Roper
ERIK M. ROPER
Attorneys for Plaintiff
CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE

Dated: November 22, 2010

CANNATA, CHING & O'TOOLE, LLP

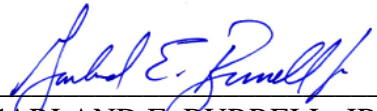
By: /s/ Therese Y. Cannata
THERESE Y. CANNATA
Attorneys for Defendants
CHICO SCRAP METAL, INC., *et al.*

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ORDER

Pursuant to Stipulation, and good cause appearing, it is ORDERED that Plaintiff is granted leave to file its proposed Second Amended Complaint on December 10, 2010.

Date: 11/23/2010



GARLAND E. BURRELL, JR.
United States District Judge