

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 SIERRA PACIFIC INDUSTRIES, a
 30 California corporation, and CHRIS
 31 SKINNER, an individual,

32 Defendants.

Case No. 2:10-cv-01644-JAM-DAD

STIPULATION FOR LEAVE TO FILE FIRST
 AMENDED COMPLAINT; ORDER
 THEREON

Judge: Hon. John A. Mendez

33 WHEREAS, Plaintiff California Sportfishing Protection Alliance (“Plaintiff” or “CSPA”)
 34 filed its Complaint in this action on June 28, 2010;

35 WHEREAS, on or about October 22, 2010, Plaintiff provided a 60-day notice of Defendant
 36 Sierra Pacific Industries’ (“SPI”) alleged violations of California Health & Safety Code Section
 37 25249.5 *et seq.* (commonly referred to as “Proposition 65”) (“Proposition 65 Notice Letter”), and of
 38 its intention to file suit against Defendant SPI, to: the Proposition 65 Enforcement Reporting section

1 of the office of the California Attorney General (“California Attorney General”); the District
2 Attorney of each California county containing sources of drinking water potentially impacted by
3 Defendant SPI’s violations of Proposition 65; and, to Defendant SPI, as required by California
4 Health & Safety Code Section 25249.5 *et seq.* A true and correct copy of CSPA’s Proposition 65
5 Notice Letter is attached hereto as Exhibit A and is incorporated by reference;

6 WHEREAS, the 60-day statutory notice period of Proposition 65 Notice Letter expired on or
7 about December 21, 2010;

8 WHEREAS, Plaintiff has provided Defendants herein a proposed First Amended Complaint
9 (attached herein as Exhibit B) which adds a claim against Defendant SPI for alleged violations of
10 Proposition 65;

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

13 A. That Plaintiff shall be permitted to file its proposed First Amended Complaint on January
14 10, 2011, or as soon thereafter as may be convenient for Plaintiff.

15 B. That Defendants’ response to the First Amended Complaint shall be electronically filed
16 not later than sixty (60) days after Plaintiff files its First Amended Complaint.

18 Dated: January 10, 2011

Respectfully submitted,
LAW OFFICES OF ANDREW L. PACKARD

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

25 Dated: January 10, 2011

DOWNEY BRAND LLP

26 By: /s/ Nicole E. Granquist
NICOLE E. GRANQUIST
Attorneys for Defendants
SIERRA PACIFIC INDUSTRIES, *et al.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Pursuant to Stipulation, and good cause appearing, it is ORDERED that Plaintiff is granted leave to file its proposed First Amended Complaint on January 10, 2011, or as soon thereafter as may be convenient for Plaintiff.

Dated: January 10, 2011

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE