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Attorneys for Plaintiff
 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

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

CALIFORNIA SPORTFISHING
 PROTECTION ALLIANCE, a non-profit
 corporation,

Plaintiff,

vs.

USA WASTE OF CALIFORNIA, INC. a
 Delaware corporation, and, STEVE
 CAMERON, an individual,

Defendants.

Case No. 2:11-CV-02663-WBS-KJN

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

Judge: Hon. William B. Shubb

WHEREAS, Plaintiff California Sportfishing Protection Alliance (“Plaintiff” or “CSPA”) filed its initial Complaint in this action on October 8, 2011;

WHEREAS, Plaintiff filed its First Amended Complaint in this action on October 24, 2011;

WHEREAS, on July 18, 2012, Plaintiff served Defendant USA Waste of California, Inc. and Defendant Steve Cameron (“Defendants”) a supplemental notice of

violations and intent to file suit under the Federal Water Pollution Control Act (“Clean Water Act”) setting forth the facts underlying its intention to seek to file a Second Amended Complaint (“Supplemental NOV”);

WHEREAS, Plaintiff and Defendants shall collectively be referred to as “Parties”;

WHEREAS, Plaintiff’s Supplemental NOV communicated to Defendants its intention to file a Second Amended Complaint either by stipulation of the Parties or by filing a motion with the Court seeking leave to file its Second Amended Complaint;

WHEREAS, on September 13, 2012, Defendants sent to Plaintiff’s counsel a written response regarding the Supplemental NOV denying the allegations therein and advising of the impropriety of filing an amended complaint based on such allegations;

WHEREAS, Plaintiff’s proposed Second Amended Complaint adds two new causes of action alleging Defendants are in violation of the Clean Water Act for their discharge of pollutant-contaminated storm water from an alleged portion of the Facility at issue in this action to the extent that alleged portion of the Facility is not included in the permit coverage currently held by Defendants;

WHEREAS, Plaintiff has provided Defendants its proposed Second Amended Complaint (attached hereto as Exhibit A) which adds two new causes of action alleging that Defendants are in violation of the Clean Water Act for their discharge of pollutants from the Facility without obtaining coverage under California’s General Industrial Storm Water Permit (“General Permit”) for the entire Facility;

WHEREAS, Defendants deny the allegations in the proposed Second Amended Complaint;

WHEREAS, Plaintiff’s Supplemental NOV is attached as Exhibit C to the proposed Second Amended Complaint;

WHEREAS, on January 31, 2012, the Court issued a Status (Pretrial Scheduling) Order providing, in relevant part, that “[n]o further . . . amendments to pleadings will be

permitted except with leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b).”

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WHEREAS, on March 12, 2012, Plaintiff conducted a duly noticed inspection of Defendants’ Facility pursuant to Rule 34 of the Federal Rules of Civil Procedure and during that inspection obtained facts, which were unknown to Plaintiff prior to that inspection, that provide the factual support for the two new causes of action it seeks to add by filing the proposed Second Amended Complaint;

WHEREAS, Plaintiff submits that good cause exists supporting its request for leave to file the proposed Second Amended Complaint because the facts supporting the two new causes of action set forth therein were not known to Plaintiff prior to the Court’s issuance of its Status (Pretrial Scheduling) Order on January 31, 2012;

WHEREAS, the Parties acknowledge it is in their mutual interest to avoid incurring the fees and costs that would necessarily accrue in the event that Plaintiff moves the Court for leave to file its Second Amended Complaint.

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

A. That Plaintiff shall be permitted to file its proposed Second Amended Complaint on September 19, 2012, or as soon thereafter as may be convenient for Plaintiff; and,

B. That Defendants’ response to the Second Amended Complaint shall be filed not later than twenty-one (21) days after Plaintiff files its Second Amended Complaint.

Respectfully submitted,

Dated: September 19, 2012

LAW OFFICES OF ANDREW L. PACKARD

By: /s/ Erik

Roper

Erik M. Roper
Attorneys for Plaintiff
CALIFORNIA SPORTFISHING PROTECTION

ALLIANCE

Dated: September 19, 2012

REED SMITH LLP

/s/ John Lynn Smith
By: John Lynn Smith
(As authorized on September 19, 2012 – L.R. 131)
Attorneys for Defendants
USA WASTE OF CALIFORNIA, INC., et al.

ORDER

Pursuant to Stipulation, and good cause appearing, it is ORDERED that Plaintiff California Sportfishing Protection Alliance shall be permitted to file its proposed Second Amended Complaint on September 19, 2012, or as soon thereafter as may be convenient for Plaintiff. Further, it is ORDERED that Defendant USA Waste of California, Inc. and Defendant Steve Cameron shall file any responsive pleading(s) not later than twenty-one (21) days after Plaintiff files its Second Amended Complaint.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

Dated: September 20, 2012

A handwritten signature in blue ink, reading "William B. Shubb", written over a horizontal line.

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE