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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

16 OWNER-OPERATOR INDEPENDENT DRIVERS
 17 ASSOCIATION, INC., DALE L. CURTICE, JR. d/b/a
 18 CURTICE TRUCKING, INC., NELSON
 19 GREENWADE, SR. d/b/a DREAM TEAM EXPRESS
 20 LLC, LANCE HENNING d/b/a LANCE HENNING
 TRUCKING, LEO T. JOLIN; BARRY VUN
 CANNON d/b/a NACO LLC, JOHNNY WEST,
 RICHARD M. HUNTER, and RUSSELL A. SHORT,

Plaintiffs,

v.

23 RICHARD W. COREY in his official and personal
 24 capacity as Executive Officer of the California Air
 25 Resources Board; MARY D. NICHOLS; in her
 26 official and personal capacity as Chairman of the
 California Air Resources Board; MATT
 RODRIQUEZ in his official capacity as Secretary of
 the California Environmental Protection Agency,

Defendants.

CASE NO. 2:14-CV-00186-MCE-AC

**STIPULATION CONTINUING
 JOINT STATUS REPORT AND
 SETTING BRIEFING SCHEDULE
 ON DEFENDANTS' RULE 12(b)
 MOTION [FED. R. CIV. PROC.
 12(b)]; AND ORDER THEREON**

1 Plaintiffs OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION, INC.,
2 DALE L. CURTICE, JR. d/b/a CURTICE TRUCKING, INC., NELSON GREENWADE, SR.
3 d/b/a DREAM TEAM EXPRESS LLC, LANCE HENNING d/b/a LANCE HENNING
4 TRUCKING, LEO T. JOLIN; BARRY VUN CANNON d/b/a NACO LLC, JOHNNY WEST,
5 RICHARD M. HUNTER and RUSSELL A. SHORT, and Defendants RICHARD W. COREY in
6 his official and personal capacity as Executive Officer of the California Air Resources Board;
7 MARY D. NICHOLS; in her official and personal capacity as Chairman of the California Air
8 Resources Board; MATT RODRIQUEZ in his official capacity as Secretary of the California
9 Environmental Protection Agency (collectively Defendants), by and through their counsel of
10 record, enter into this Stipulation based upon the following facts:

11 1. On December 6, 2013, Plaintiffs filed their complaint for declaratory and
12 injunctive relief in this action in the Eastern District of California, Fresno Division. The
13 complaint was served on all of the Defendants on December 9, 2013.

14 2. Plaintiffs gave Defendants two separate extensions of time to file a response to the
15 complaint. The last extension granted Defendants until January 27, 2014 in which to file a
16 response to the complaint. Defendants had indicated that they intended to file a Rule 12(b)
17 motion pursuant to Federal Rules of Civil Procedure. On January 27, 2014, Defendants did file
18 such a motion and it is set for a hearing on April 17, 2014.

19 3. On January 16, 2014, Defendants filed a Notice of Related Case alleging that this
20 case is related to the case of California Dump Truck Owners Association v. Nichols, Case No.
21 2:11-CV-00384-MCE-GGH.

22 4. On January 22, 2014, the Honorable Lawrence J. O'Neil filed an Order to Relate
23 Actions and to Reassign Judges.

24 5. On January 22, 2014, the parties received an Order Requiring Joint Status Report
25 which stated that the case has been transferred to the Honorable Morrison C. England, Jr.,
26 Sacramento Division of the Eastern District of California and that the parties are to file a joint
27 status report within sixty (60) days after service of the complaint.
28

1 6. The parties have met and conferred regarding this matter and believe that an
2 extension of time of up to sixty (60) days after the Court issues its ruling on the Defendants'
3 motion, currently set for a hearing on April 17, 2014, is necessary to file the joint status report.
4 The parties believe that the Court's ruling on the Defendants' motion will promote judicial
5 economy and narrow the issues regarding the Rule 26(a) initial disclosures and the preparation of
6 the joint status report.

7 7. The parties have further agreed to the following briefing schedule regarding
8 Defendants' motion: Defendants' motion will be filed on January 27, 2014 (which has now been
9 filed); Plaintiffs' opposition on March 27, 2014; Defendants' reply on April 10, 2014. The
10 hearing on said motion is to be held on April 17, 2014.

11 **STIPULATION**

12 THEREFORE, the parties to this action, through their respective counsel of record,
13 stipulate as follows:

- 14 1. Defendants will file their Rule 12(b) motion on January 27, 2014.
- 15 2. Plaintiffs' opposition to said motion is to be filed on or before March 27, 2014.
- 16 3. Defendants' reply is to be filed on or before April 10, 2014. The hearing on said
17 motion is scheduled for April 17, 2014.
- 18 4. The joint status report will be due sixty (60) days from the date of the Court's
19 ruling on Defendants' 12(b) motion.
- 20 5. The Rule 26(a) initial disclosures will be stayed pending the Court's ruling on the
21 Defendants' motion.

22 DATED: January 28, 2014

Respectfully submitted,

23 /S/ BRIAN C. LEIGHTON

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DATED: January 28, 2014

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ORDER

Based on the foregoing Stipulation, IT IS HEREBY ORDERED THAT:

Defendants' Rule 12(b) motion shall be filed on January 27, 2014; Plaintiffs opposition to said motion is to be filed on or before March 27, 2014; Defendants' reply is to be filed on or before April 10, 2014; the hearing on said motion is scheduled for April 17, 2014; the joint status report will be due sixty (60) days from the date of the Court's ruling on Defendants' 12(b) motion; and the Rule 26(a) initial disclosures are stayed pending the Court's ruling on the Defendants' motion.

IT IS SO ORDERED.

Dated: February 5, 2014



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT