

1 KAMALA D. HARRIS, State Bar No. 146672  
 Attorney General of California  
 2 RANDY L. BARROW, State Bar No. 111290  
 Supervising Deputy Attorney General  
 3 NICHOLAS STERN, State Bar No. 148308  
 COURTNEY S. COVINGTON, State Bar No. 259723  
 4 LINDA GÁNDARA, State Bar No. 194667  
 Deputy Attorneys General  
 5 1300 I Street, Suite 125  
 P.O. Box 944255  
 6 Sacramento, CA 94244-2550  
 Telephone: (916) 445-4853  
 7 Fax: (916) 327-2319  
 E-mail: Linda.Gandara@doj.ca.gov

8 *Attorneys for Defendants*

9  
 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12  
 13 **OWNER-OPERATOR INDEPENDENT**  
**DRIVERS ASSOCIATION, INC., et al.,**  
 14  
 Plaintiffs,  
 15  
 v.  
 16 **RICHARD W. COREY in his official and**  
**personal capacity as Executive Officer of the**  
**California Air Resources Board; et al.,**  
 17  
 Defendants.  
 18

2:14-cv-00186-MCE-AC

**STIPULATION CONTINUING JOINT  
 STATUS REPORT AND INITIAL  
 DISCLOSURES; ORDER**

Trial Date: None Set  
 Action Filed: December 6, 2013

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 21 Plaintiffs OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION, INC.,  
 22 DALE L. CURTICE, JR. d/b/a CURTICE TRUCKING, INC., NELSON GREENWADE, SR.  
 23 d/b/a DREAM TEAM EXPRESS LLC, LANCE HENNING d/b/a LANCE HENNING  
 24 TRUCKING, LEO T. JOLIN; BARRY VUN CANNON d/b/a NACO LLC, JOHNNY WEST,  
 25 RICHARD M. HUNTER, RUSSELL A. SHORT, and JACK CODY d/b/a CODY TRANSPORT  
 26 (collectively Plaintiffs), and Defendants RICHARD W. COREY in his official and personal  
 27 capacity as Executive Officer of the California Air Resources Board, MARY D. NICHOLS; in  
 28 her official and personal capacity as Chairman of the California Air Resources Board, and MATT

1 RODRIQUEZ in his official capacity as Secretary of the California Environmental Protection  
2 Agency (collectively Defendants), by and through their counsel of record, enter into this  
3 Stipulation based upon the following facts:

4 1. On May 15, 2014, Defendants filed the motion for judgment on the pleadings on  
5 Plaintiffs' original complaint pursuant to Federal Rule of Civil Procedure 12(c). (ECF No. 33).

6 2. On October 29, 2014, the Court granted Defendants' motion for judgment on the  
7 pleadings, with leave to amend. (ECF No. 40). Plaintiffs filed their First Amended Complaint for  
8 Declaratory and Injunctive Relief and Damages on November 18, 2014. (ECF No. 41).

9 3. On December 2, 2014, Defendants filed a motion to dismiss or, in the alternative,  
10 to strike, Plaintiffs' First Amended Complaint for Declaratory and Injunctive Relief and Damages  
11 (Motion to Dismiss). (ECF No. 42). Accordingly, the parties agree that it will promote judicial  
12 economy for the Court to enter a stay of the Rule 26(a) initial disclosures on Plaintiffs' amended  
13 complaint and extend the time to file the joint status report to thirty (30) days after the Court  
14 issues its ruling on the Defendants' Motion to Dismiss.

15 **STIPULATION**

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

18 1. The joint status report will be due thirty (30) days from the date of the Court's  
19 ruling on Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint for Declaratory  
20 and Injunctive Relief and Damages.

21 2. The Rule 26(a) initial disclosures will be stayed pending the Court's ruling on the  
22 Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint for Declaratory and  
23 Injunctive Relief and Damages.

24  
25 DATED: December 17, 2014

Respectfully submitted,

26 /s/ Daniel E. Cohen

27 Brian Leighton

28 Attorneys for Plaintiffs

1 DATED: December 17, 2014

KAMALA D. HARRIS  
Attorney General of California  
RANDY L. BARROW  
Supervising Deputy Attorney General

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4 /s/ Courtney Covington  
Courtney S. Covington, State Bar # 259723  
Attorneys for Defendants

5  
6 **ORDER**

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

8 The joint status report will be due thirty (30) days from the date of the Court's ruling on  
9 Defendants' Motion to Dismiss or, in The Alternative, to Strike Plaintiffs' First Amended  
10 Complaint for Declaratory and Injunctive Relief and Damages and the Rule 26(a) initial  
11 disclosures are stayed pending the Court's ruling on the Defendants' Defendants' Motion to  
12 Dismiss or, in The Alternative, to Strike Plaintiffs' First Amended Complaint for Declaratory and  
13 Injunctive Relief and Damages.

14 IT IS SO ORDERED.

15 Dated: January 7, 2015

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