

1 DANE W. ANDERSON, ESQ.  
 California Bar No. 212530  
 2 WOODBURN AND WEDGE  
 6100 Neil Road, Suite 500  
 3 Reno, Nevada 89511  
 Telephone: (775) 688-3000  
 4 danderson@woodburnandwedge.com

5 Attorneys for Regional Transportation  
 6 Commission of Washoe County

7  
 8 UNITED STATES DISTRICT COURT  
 9  
 10 EASTERN DISTRICT OF CALIFORNIA

11 UPPER SOUTH EAST COMMUNITIES )  
 12 COALITION, )  
 )  
 13 Plaintiff, )  
 )  
 14 v. )  
 )  
 15 U.S. ARMY CORPS OF ENGINEERS; LT. )  
 16 GEN. THOMAS P. BOSTICK, in his official )  
 capacity, Chief of Engineers and Commanding )  
 17 General, U.S. Army Corps of Engineers; COL. )  
 MICHAEL J. FARRELL, in his official )  
 18 capacity, District Commander, Sacramento )  
 District, U.S. Army Corps of Engineers; and )  
 19 MICHAEL S. JEWEL, Chief, Regulatory )  
 Division, Sacramento District, U.S. Army )  
 20 Corps of Engineers. )  
 )  
 21 Defendants. )

Case No. 2:15-cv-00930-JAM-DAD

**STIPULATION AND ORDER TO  
 ALLOW THE REGIONAL  
 TRANSPORTATION COMMISSION  
 OF WASHOE COUNTY  
 TO INTERVENE**

Date: June 17, 2015  
 Time: 9:30 a.m.  
 Courtroom: 6  
 Judge: Honorable John A. Mendez

22  
 23 The parties hereto stipulate as follows:

- 24 1. The action filed by Plaintiff, UPPER SOUTH EAST COMMUNITIES  
 25 COALITION (“USECC”), seeks a declaration that Defendants’, U.S. ARMY  
 26 CORPS OF ENGINEERS; LT. GEN. THOMAS P. BOSTICK, in his official  
 27 capacity, Chief of Engineers and Commanding General, U.S. Army Corps of

1 Engineers; COL. MICHAEL J. FARRELL, in his official capacity, District  
2 Commander, Sacramento District, U.S. Army Corps of Engineers; and  
3 MICHAEL S. JEWEL, Chief, Regulatory Division, Sacramento District, U.S.  
4 Army Corps of Engineers (collectively, “the Corps”), issuance of a Section 404  
5 Permit violated federal law and the USECC requests the Court to issue a  
6 preliminary injunction requiring the Corps to rescind or suspend the Section 404  
7 Permit.

8 2. A valid Section 404 Permit is required to enable the Regional Transportation  
9 Commission of Washoe County (“RTC”) to proceed with the construction of  
10 Phase II of its SouthEast Connector roadway.

11 3. The RTC filed a Motion to Intervene as a matter of right and for permissive  
12 intervention on May 8, 2015.

13 4. For good cause and in order to prevent any unnecessary delays, the parties agree  
14 to the Court allowing the RTC to intervene for all purposes.

15 DATED this 12<sup>th</sup> day of May, 2015.

DATED this 12<sup>th</sup> day of May, 2015.

16 UNITED STATES DEPARTMENT  
17 OF JUSTICE

SHUTE, MIHALY &  
WEINBERGER LLP

18 By: /s/ Peter K. Dykema (as authorized  
19 on 05/11/15)

By: /s/ Winter King (as authorized on  
20 05/11/15)

21 Peter Kryn Dykema, GOVT  
22 Washington DC Bar No. 419349  
23 601 D. Street NW  
24 Washington, DC 20044

Winter King  
California State Bar No. 237958  
396 Hayes Street  
San Francisco, CA 94102

Davene Dashawn Walker  
PO Box 7611, Ben Franklin Station  
Washington, DC 20044

Attorneys for Plaintiff

Attorneys for Defendants

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DATED this 12<sup>th</sup> day of May, 2015.

WOODBURN AND WEDGE

By: /s/ Dane W. Anderson  
Dane W. Anderson  
California State Bar No. 212530  
6100 Neil Road, Suite 500  
Reno, NV 89511  
Attorneys for Intervenor, Regional  
Transportation Commission of  
Washoe County

**ORDER**

IT IS SO ORDERED.

DATED this 13<sup>th</sup> day of May, 2015

/s/ John A. Mendez  
United States District Court Judge