

1 CANNATA, O'TOOLE, FICKES & OLSON
 2 THERESE Y. CANNATA
 3 MARK P. FICKES
 4 ZACHARY E. COLBETH
 5 100 Pine Street, Suite 350
 6 San Francisco, CA 94111
 7 Telephone: (415) 409.8900 / Fax: (415) 409-8904

8 *Attorneys for Defendant Roger J. LaPant, Jr.*

9 ANDREW J. DOYLE
 10 JOHN THOMAS H. DO
 11 ANDREW S. COGHLAN
 12 United States Department of Justice
 13 Environmental and Natural Resources Division
 14 P.O. Box 7611
 15 Washington, DC 20044
 16 Telephone: (202) 514-4427 / Fax: (202) 514-8865

17 *Attorneys for Plaintiff United States*

18 UNITED STATES DISTRICT COURT
 19 EASTERN DISTRICT OF CALIFORNIA

20 UNITED STATES OF AMERICA,
 21 Plaintiff,
 22 v.
 23 ROGER J. LAPANT, JR., *et al.*,
 24 Defendants.

25 Case No. 2:16-cv-01498-KJM-DB

26 **STIPULATION AND
 27 ORDER FOR STAY**

28

1 Plaintiff United States of America and Defendant Roger J. LaPant, Jr. hereby stipulate
2 and propose for the Court's approval a stay of all further proceedings in this case. The parties
3 have completed their settlement negotiations and, on December 30, 2020, Mr. LaPant signed a
4 final draft proposed Consent Decree and Settlement ("CD," for shorthand). The United States is
5 expected to complete its review of the CD by January 19, 2021. Provided that the CD is lodged
6 with the Court by the same date (January 19), as expected, a public comment period would
7 follow. And following the public comment period, which lasts 30 days from the publication of
8 a notice in the Federal Register, the United States would file an appropriate motion respecting
9 the CD (e.g., a motion to enter the CD).

10 However, if a proposed Consent Decree and Settlement is not lodged with the Court by
11 January 19, 2021, the parties would file, by January 28, 2021, a stipulation (or, if no stipulation
12 can be reached, a joint status report) regarding their proposal(s) for the governance of further
13 proceedings, including the parties' pending cross-motions for summary judgment, ECF Nos.
14 113 & 121.

15 //

16 //

17 //

18 Dated: January 8, 2021

Respectfully submitted,

19 /s/ *Therese Y. Cannata*

20 CANNATA, O'TOOLE, FICKES & OLSON LLP

21 100 Pine Street, Suite 350

22 San Francisco, CA 94111

23 Tel: (415) 409-8900

24 *Attorney for Roger J. LaPant, Jr.*

25 /s/ *Andrew J. Doyle*

26 United States Department of Justice

27 Environmental and Natural Resources Division

28 Tel: (202) 532-3156

Attorney for the United States

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

STAY ORDER

Upon due consideration, the Court approves the foregoing stipulation and stays all further proceedings in this case, including deadlines respecting the parties' pending cross-motions for summary judgment, ECF Nos. 113 & 121.

If a proposed Consent Decree and Settlement is lodged with the Court by January 19, 2021, the stay shall extend through the public comment period and the Court's resolution of any motion filed by the United States following the conclusion of the public comment period (e.g., a motion to enter the proposed Consent Decree and Settlement).

If a proposed Consent Decree is not lodged with the Court by January 19, 2021, the parties shall file, by January 28, 2021, a stipulation (or, if no stipulation can be reached, a joint status report) regarding their proposal(s) for the governance of further proceedings in this case.

Dated: January 11, 2021.


CHIEF UNITED STATES DISTRICT JUDGE