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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

**CALIFORNIA TRUCKING ASSOCIATION, A CALIFORNIA CORPORATION,**  
  
Plaintiff,  
  
v.  
  
**STEVEN S. CLIFF, IN HIS OFFICIAL CAPACITY, AND DOES 1 THROUGH 25, INCLUSIVE,**  
  
Defendants.

2:23-cv-02333-TLN-CKD

**STIPULATION AND ORDER ADJUSTING SCHEDULE FOR DISCOVERY AND BRIEFING FOR PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

Judge: Hon. Troy L. Nunley  
Trial Date: None set  
Action Filed: October 16, 2023

Under Local Rule 144, Plaintiff California Trucking Association and Defendant Steven S. Cliff, in his official capacity, hereby stipulate as follows to extend the schedule for the remaining discovery and briefing related to Plaintiff’s Motion for Summary Judgment:

WHEREAS on October 24, 2024, this Court docketed a stipulation and order setting a schedule for briefing Plaintiff’s Motion for Summary Judgment and associated discovery. ECF 40;

WHEREAS the parties have been adhering to that schedule: Plaintiff filed its Motion for Summary Judgment on November 4, 2024, ECF 41; Defendant submitted his objections to Plaintiff’s request to file under seal on November 12, 2024; and Defendant served requests for production of documents on November 25, 2024;

WHEREAS Plaintiff’s complaint and Motion for Summary Judgment target a regulation adopted by the California Air Resources Board and referred to as Advanced Clean Fleets (ACF);

1 WHEREAS the California Air Resources Board has requested that the United States  
2 Environmental Protection Agency (EPA) waive Clean Air Act preemption for parts of ACF;

3 WHEREAS Plaintiff has requested a pause in the schedule before its production of  
4 documents is due January 6, 2025, and the parties believe it would be efficient to pause the  
5 current schedule to provide the parties with the opportunity to consider any action(s) EPA takes  
6 on CARB's request in the next three weeks;

7 WHEREAS, having now seen Plaintiff's motion and having propounded the related  
8 requests for production of documents, Defendant has indicated his counsel will need additional  
9 time to review the produced documents before deposing Plaintiff's declarants, and Plaintiff has  
10 agreed to this request;

11 WHEREAS the parties agree that the depositions may require more than the original two  
12 weeks, in light of the number of deponents and scheduling issues of both parties;

13 WHEREAS no prior requests to adjust the schedule ordered on October 24, 2024 have been  
14 made;

15 **THE PARTIES HEREBY STIPULATE, AGREE, AND REQUEST** that the Court enter  
16 an order modifying the schedule as indicated by the underlined dates below:

17 • On or before March 6, 2025, Plaintiff will respond to Defendant's Requests for  
18 Production of Documents with all responsive documents, including those in the possession,  
19 custody, or control of the Plaintiff's declarants or their organizations or businesses, that are not  
20 subject to an asserted privilege or objection consistent with applicable rules;

21 • Plaintiff will make its declarants available for depositions in California between April  
22 2 and April 22, 2025, at times and locations to be negotiated by the parties;

23 • On or before May 20, 2025, Defendant will file his opposition to Plaintiff's Motion  
24 for Summary Judgment;

25 • On or before June 17, 2025, Plaintiff will file its reply.

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27 If by April 29, 2025, there remain outstanding disputes between the parties concerning the  
28 activities described above and in the Stipulation and Order To Set Briefing Schedule for

1 Plaintiff's Motion For Summary Judgment (ECF 40)—for example, disputes over discovery  
2 responses, confidentiality designations, or method of compiling deposition transcripts—either  
3 party may notify the Court of those disputes via a letter filed on or before May 5, 2025. In the  
4 event of such notification, the remaining briefing deadlines will be void, and the parties agree to  
5 renegotiate a schedule in good faith. Should the parties be unable to reach an agreement on a  
6 schedule during those negotiations, they shall present their dispute in a joint statement, not to  
7 exceed 10 pages, for the Court's resolution.

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9 Respectfully submitted,

10 DATED: January 3, 2025


/s/ Marne S. Sussman (as authorized on 1/03/25)  
Attorney for Plaintiff

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12 DATED: January 3, 2025

/s/ M. Elaine Meckenstock  
Attorney for Defendant

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15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 DATED: January 3, 2025

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Troy L. Nunley  
Chief United States District Judge