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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAYKEEPER, et al.,

No. C 07-0725 SI

Plaintiffs,

**ORDER RE: FURTHER STATUS  
REPORT**

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, et al.,

Defendants.

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The parties' Joint Status Report filed November 6, 2009, states that two petitions for *certiorari* were filed in the *Nat'l Cotton Council v. EPA* action on November 3, 2009. None of the parties; in this action filed a petition, and the parties view it as only "remotely possible" that the Supreme Court would address any jurisdictional issues relevant to this case, even if it accepts the case for hearing. Nevertheless, plaintiffs' counsel request that this action remain stayed until the Supreme Court acts.

**This Court will extend the stay in this action only until January 15, 2010.** If by that time the Supreme Court has acted, the parties may so inform this Court. If it has not acted by that time, this Court contemplates that plaintiffs will, as they have been suggesting for some time now, dismiss this action. **Accordingly, on or before January 15, 2010, the parties are ORDERED to provide a joint status report, providing the status of the *certiorari* petitions and, in the event there has been no action, a proposal for dismissal of this action.**

**IT IS SO ORDERED.**

Dated: November 13, 2009



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SUSAN ILLSTON  
United States District Judge