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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

15 CENTER FOR BIOLOGICAL DIVERSITY, )  
 16 a non-profit corporation, )  
 17 Plaintiff, )  
 18 v. )  
 19 ENVIRONMENTAL PROTECTION )  
 20 AGENCY *et al.*, )  
 21 Defendants, and )  
 22 CROPLIFE AMERICA, RISE, AND )  
 23 RECKITT BENCKISER, INC., )  
 24 Intervenor-Defendants. )

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Case No.: 07-2794-JCS

**JOINT STIPULATED REQUEST FOR  
 LEAVE TO FILE SECOND AMENDED  
 COMPLAINT**

1 Plaintiff Center for Biological Diversity (the “Center”) and Federal Defendants, Environmental  
2 Protection Agency, et al. jointly request leave for Plaintiff to file its Second Amended Complaint for  
3 Declaratory and Injunctive Relief in this action pursuant to Fed. R. Civ. P. 15(a). The Second Amended  
4 Complaint adds claims for the salt marsh harvest mouse, the San Joaquin kit fox, and the Alameda  
5 whipsnake regarding one additional pesticide, difenacoum. *See* Plaintiff’s Proposed Second Amended  
6 Complaint at ¶¶ 243, 377, 397. The Second Amended Complaint also includes additional claims for the  
7 salt marsh harvest mouse and the San Joaquin kit fox regarding a pesticide that is already part of this  
8 case, difethialone. *See* Plaintiff’s Proposed Second Amended Complaint at ¶¶ 244, 378.

9 Fed. R. Civ. P. 15(a)(2) provides that after an answer has been filed a plaintiff may amend its  
10 complaint only with the opposing party’s written consent or the court’s leave. Here, the opposing party  
11 has provided its written consent, and consequently, this Joint Stipulated Request should be granted.

12 Intervenor-Defendants take no position regarding the stipulation to amend and request  
13 that, in lieu of filing answers, they be deemed to have denied all additional/modified paragraphs of the  
14 second amended complaint.

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16 Respectfully submitted this 15th day of December, 2009,

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18 /s/ Justin Augustine  
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11 PURSUANT TO STIPULATION, IT IS SO ORDERED

12  
13 Dated: December 16, 2009.

