

1 JOSHUA OSBORNE-KLEIN (WSB #36736)

THE HONORABLE MARILYN H. PATEL

Admitted Pro Hac Vice

2 KRISTEN L. BOYLES (CSB #158450)

JANETTE K. BRIMMER (MNB #174762)

3 *Admitted Pro Hac Vice*

Earthjustice

4 705 Second Avenue, Suite 203

Seattle, WA 98104

5 (206) 343-7340

6 (206) 343-1526 [FAX]

josborne-klein@earthjustice.org

7 kboyles@earthjustice.org

8 jbrimmer@earthjustice.org

9 SHELLEY DAVIS (CSB #84539)

VIRGINIA RUIZ (CSB #194986)

10 Farmworker Justice

1126 – 16th Street, N.W., Suite 270

Washington, D.C. 20036

12 (202) 293-5420

13 (202) 293-5427 [FAX]

sdavis@nclr.org

14 vruiz@nclr.org

Attorneys for Plaintiffs

15 *(complete list of parties on signature page)*

16 GREGORY C. LOARIE (CSB #215859)

Earthjustice

17 426 - 17th Street, 5th Floor

18 Oakland, CA 94612

19 (510) 550-6725

(510) 550-6749 [FAX]

20 gloarie@earthjustice.org

21 *Local Counsel for Plaintiffs*

22
23
24
25
26
27
28 STIPULATION REQUESTING REMOVAL FROM
THE ADR MULTI-OPTION PROGRAM AND
[PROPOSED] ORDER (Case No. CV08-3542-MHP) -1-

Earthjustice
705 Second Ave., Suite 203
Seattle, WA 98104
(206) 343-7340

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

3 PESTICIDE ACTION NETWORK NORTH)
4 AMERICA, UNITED FARM WORKERS,) Case No. CV08-3542-MHP
5 NATURAL RESOURCES DEFENSE COUNCIL,)
6 TEAMSTERS LOCAL 890, BEYOND)
7 PESTICIDES, PINEROS Y CAMPESINOS) STIPULATION REQUESTING
8 UNIDOS DEL NOROESTE, CENTER FOR) REMOVAL FROM THE ADR MULTI-
9 ENVIRONMENTAL HEALTH, FARM LABOR) OPTION PROGRAM AND
10 ORGANIZING COMMITTEE, AFL-CIO, and) ~~PROPOSED~~ ORDER
11 ALASKA COMMUNITY ACTION ON TOXICS,)
12)
13 Plaintiffs,)
14)
15 v.)
16)
17 UNITED STATES ENVIRONMENTAL)
18 PROTECTION AGENCY,)
19)
20 Defendant.)
21)
22)
23)
24)
25)
26)
27)
28)

1 The undersigned parties appreciate the opportunity to participate in the Court's ADR
2 multi-option program. However, the parties agree that the above-captioned administrative
3 review case is not amenable to an intermediate resolution at this time, none of the ADR
4 processes are likely to lead to resolution of the case or deliver benefits sufficient to justify the
5 resources consumed by its use, and the case should continue before the Court. See ADR LR 3-
6 5(e)(3). The parties therefore jointly stipulate and request, pursuant to ADR LR 3-3(c) and Civ.
7 LR 7-12, that the Court remove the above-captioned case from its ADR multi-option program.

8 Respectfully submitted this 3rd day of October, 2008.

9
10
11 /s/ Joshua Osborne-Klein
12 JOSHUA OSBORNE-KLEIN (WSB #36736)
13 KRISTEN L. BOYLES (CSB #158450)
14 JANETTE K. BRIMMER (MNB #174762)
15 Earthjustice
16 705 Second Avenue, Suite 203
17 Seattle, WA 98104
18 (206) 343-7340
19 (206) 343-1526 [FAX]
20 josborne-klein@earthjustice.org
21 kboyles@earthjustice.org
22 jbrimmer@earthjustice.org

23
24 SHELLEY DAVIS (CSB #84539)
25 VIRGINIA RUIZ (CSB #194986)
26 Farmworker Justice
27 1126 – 16th Street, N.W., Suite 270
28 Washington, D.C. 20036
(202) 293-5420
(202) 293-5427 [FAX]
sdavis@nclr.org
vrui@nclr.org

*Attorneys for Plaintiffs Pesticide Action Network
North America, United Farm Workers, Natural
Resources Defense Council, Teamsters Local 890,
Beyond Pesticides, Pineros y Campesinos Unidos
del Noroeste, Center for Environmental Health,
Farm Labor Organizing Committee, AFL-CIO, and
Alaska Community Action on Toxics*

28 STIPULATION REQUESTING REMOVAL FROM
THE ADR MULTI-OPTION PROGRAM AND
[PROPOSED] ORDER (Case No. CV08-3542-MHP) -3-

*Earthjustice
705 Second Ave., Suite 203
Seattle, WA 98104
(206) 343-7340*

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

GREGORY C. LOARIE (CSB #215859)
Earthjustice
426 - 17th Street, 5th Floor
Oakland, CA 94612
(510) 550-6725
(510) 550-6749 [FAX]
gloarie@earthjustice.org

Local Counsel for Plaintiffs

RONALD J. TENPAS
Assistant Attorney General
Environment and Natural Resources Division

* per email authorization

/s/ Joshua Osborne-Klein, for *
LESLIE M. HILL (D.C. Bar No. 476008)
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
601 D Street, N.W., Suite 8000
Washington, D.C. 20004
(202) 514-0375
(202) 514-8865 [FAX]
leslie.hill@usdoj.gov

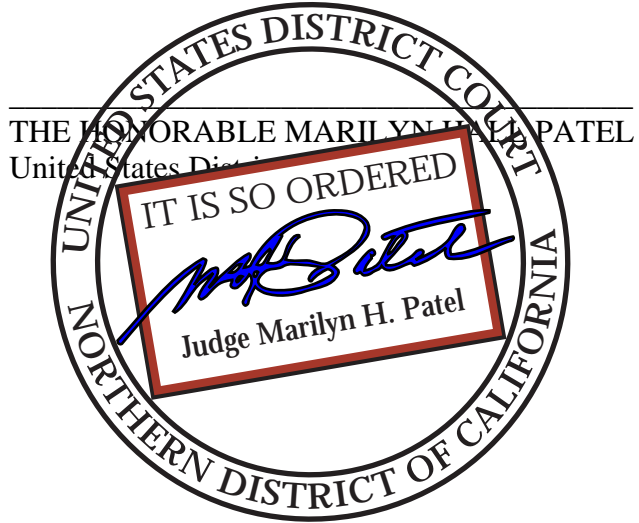
ERIK PETERSEN (D.C. Bar No. 489073)
U.S. Department of Justice
Environment & Natural Resources Division
Wildlife and Marine Resources Section
601 D Street, N.W., Suite 3033
Washington, D.C. 20004
(202) 305-0339
(202) 305-0275 [FAX]
erik.petersen@usdoj.gov

Attorneys for Defendant

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

DATED this 7th day of October, 2008.



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

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the State of Washington. I am over 18 years of age and not a party to this action. My business address is 705 Second Avenue, Suite 203, Seattle, Washington 98104.

I hereby certify that on October 3, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Leslie M. Hill
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 23986
Washington, D.C. 20026-3986
Street Address:
601 D. Street N.W., Suite 8000
Washington, D.C. 20004
(202) 514-0375
(202) 514-8865 [FAX]
leslie.hill@usdoj.gov
Attorneys for Defendants

- via facsimile
- via overnight courier
- via first-class U.S. mail
- via hand delivery
- via e-mail
- via CM/ECF system

Erik E. Petersen
U.S. Department of Justice
Wildlife & Marine Resources Section
Ben Franklin Station
P.O. Box 7369
Washington, D.C. 20044-7369
Street Address:
601 D Street, N.W., Room 3909
Washington, D.C. 20004
(202) 305-0339
(202) 305-0275 [FAX]
erik.petersen@usdoj.gov
Attorneys for Defendants

- via facsimile
- via overnight courier
- via first-class U.S. mail
- via hand delivery
- via e-mail
- via CM/ECF system

Laurence A. Weiss
Heller Ehrman LLP
275 Middlefield Road
Menlo Park, CA 94025-3506
(650) 324-7000
(650) 324-0638 [FAX]
*Attorney for Proposed Defendant-Intervenor Makhteshim
Agan of North America, Inc.*

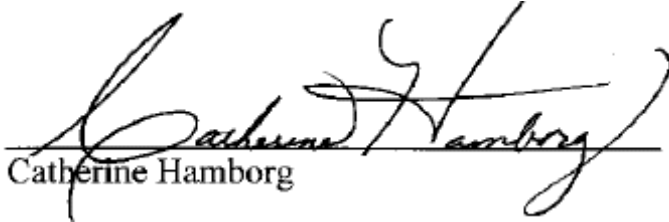
- via facsimile
- via overnight courier
- via first-class U.S. mail
- via hand delivery
- via e-mail
- via CM/ECF system

1 David B. Weinberg
Eric Andreas
2 David E. Markert
Wiley Rein LLP
3 1776 K Street, N.W.
Washington, D.C. 20006
4 (202) 719-7000
(202) 719-7049 [FAX]
5 Attorneys for Proposed Defendant-Intervenor Makhteshim
Agan of North America, Inc.
6

- via facsimile
- via overnight courier
- via first-class U.S. mail
- via hand delivery
- via e-mail
- via CM/ECF system

7 I, Catherine Hamborg, declare under penalty of perjury that the foregoing is true and correct.

8 Executed on this 3rd day of October, 2008, at Seattle, Washington.

9
10
11 
12 Catherine Hamborg
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28