1	JOSEPH P. RUSSONIELLO (CABN 443) United States Attorney	32)	
2 3	JOANN M. SWANSON (CSBN 88143) Chief, Civil Division		
4 5 6 7 8	MELANIE L. PROCTOR (CSBN 228971) Assistant United States Attorney 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102-3495 Telephone: (415) 436-6730 FAX: (415) 436-7169 melanie.proctor@usdoj.gov		
9	Attorneys for Defendant		
10	UNITED STATES DISTRICT COURT		
11	NORTHERN DISTRICT OF CALIFORNIA		
12	SAN FRANCISCO DIVISION		
13	THE SIERRA CLUB and ENVIRONMENTAL INTEGRITY) No. C 09-5662 MEJ	
14	PROJECT,)) JOINT MOTION TO BE EXCUSED	
15	Plaintiffs,) FROM THE FORMAL ADR PROCESS) and PROPOSED ORDER	
16	V.		
17	ENVIRONMENTAL PROTECTION AGENCY,		
18	Defendant.		
19 20	Each of the undersigned cortifics	_) that he or she has read either the handbook entitled	
20	Each of the undersigned certifies	that he of she has read cluter the handbook entitled	

Each of the undersigned certifies that he or she has read either the handbook entitled
"Dispute Resolution Procedures in the Northern District of California," or the specified portions of
the ADR Unit's Internet site <<u>www.adr.cand.uscourts.gov></u>, discussed the available dispute
resolution options provided by the court and private entities, and considered whether this case might
benefit from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because
this action is limited to Plaintiffs' request that the Court order Defendant to provide Plaintiffs with
the information it seeks. Defendant is in the process of releasing sought documents to Plaintiffs.
Given the substance of the action and the lack of any potential middle ground, ADR will only serve

JOINT MOTION RE: ADR C 09-5662 MEJ

1	to multiply the proceedings and unnecessarily tax court resources. Accordingly, pursuant to ADR		
2	L.R. 3-3(c), the parties request the case be removed from the ADR Multi-Option Program and that		
3	they be excused from participating in the ADR phone conference and any further formal ADR		
4	process.		
5	Dated: February 24, 2010	Respectfully submitted,	
6		JOSEPH P. RUSSONIELLO	
7		United States Attorney	
8		/s/ MELANIE L. PROCTOR ¹	
9		Assistant United States Attorney Attorney for Defendant	
10			
11	Dated: February 24, 2010	DAVID A. BAHR	
12		Attorney for Plaintiffs	
13	PROPOSED ORDER		
14	IT IS SO ORDERED. The parties are hereby excused from the ADR process.		
15	Dated: February 25, 2010	nn -	
16			
17		MARI AV AA JAMES United Storys Magistrate Judge	
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27	¹ I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this efiled document.		
	JOINT MOTION RE: ADR		

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