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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF ALAMEDA, et al.,

Defendant.

No. CV 09-05684 CW

**ORDER GRANTING STAY AS
MODIFIED**

ORDER GRANTING STAY AS MODIFIED

Whereas, good cause appears:

Pursuant to Stipulation, IT IS ORDERED that.

1. Except as provided in Paragraph 2, below, all litigation activity shall be stayed in *United States v. City of Alameda, et al.*, USDC N.D. Cal. Case No. CV 09-05684 CW for a period of 120 days from the date of this Stipulation, to and including June 4, 2010.

a. No party will file motions or initiate discovery.

A/73286592.1

1 b. The time for the United States to serve its summons and complaint will be
2 tolled while the stay is in effect

3 c. The time for Defendants to respond in any way to any Baykeeper complaint in
4 intervention will be tolled while the stay is in effect, and Defendants preserve
5 all options and arguments for any response to any Baykeeper complaint in
6 intervention.

7
8 2. Baykeeper's Reply to the Joint Opposition to the Motion to Intervene may be filed no
9 later than February 11, 2010, and the Court may rule on the intervention motion and
10 January 22, 2010 Order regardless of the parties' Stipulation and this Order for a
11 Stay.

12 3. The Scheduling Conference currently set for April 27, 2010, **is continued to**
13 **September 7, 2010, at 2:00 p.m.**

14 4. This Stipulation will not be considered a general appearance by the Defendants.

15
16 5. Baykeeper shall have the right to participate in negotiations with EPA and the
17 Defendants regarding the Stipulated Order for Preliminary Relief. During the stay
18 period, Baykeeper shall receive copies of any documents or plans due under the
19 current Administrative Orders issued to Defendants on or about November 18, 2009,
20 and shall have the opportunity to comment on those documents and plans.


21 6. No sooner than 60 days following the date an Order granting this stay period is
22 entered, any party may request a status conference with the Court (or any magistrate
23 assigned to this matter) on the progress of settlement discussions.

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25 7. The State and its agencies currently joined as a Section 309 party shall not move for
26 re-alignment or for adding claims until after the stay ends, but may bring such a
27 motion after the stay ends.

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8. This Stay may be extended by stipulation of the parties, and further order of the Court, if the settlement negotiations regarding the Stipulated Order for Preliminary Relief are continuing.

Date: 2/10/10

By: 

U.S. District Judge