2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN FRANCISCO DIVISION 11 12 UNITED STATES OF AMERICA, , No. 4:09-CV-05684-RS 13 Plaintiff, PROPOSED ORDER GRANTING STAY 14 CITY OF ALAMEDA, et al., 15 Defendants. 16 BAYKEEPER, INC., d/b/a SAN FRANCISCO BAYKEEPER, Intervenor-Plaintiff. 18 19 PROPOSED ORDER GRANTING STAY 19 Whereas, good cause appears: 20 Pursuant to Stipulation, IT IS ORDERED that: 21 1. The stay previously granted in this matter is hereby extended to and including July 20 2011, under the terms and conditions set forth herein. All litigation activity shall continue to be stayed in United States v. City of Alameda, et al., USDC N.D. Cal.	1		*E-Filed 5/17/11*	
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a. No party will file motions or initiate discovery.		a. No party will file motions or init	iate discovery.	
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		b. The time for the United States to serve its summons and complaint will be
		tolled while the stay is in effect.
		c. The time for Defendants to respond in any way to Baykeeper's complaint in
		intervention will be tolled while the stay is in effect, and Defendants preserve
		all options and arguments for any response to Baykeeper's complaint in
		intervention.
	2.	Since on March 15, 2011 the United States filed an amended complaint in which the
		Water Boards also are named as a plaintiff and assert State law claims, the time for
		Defendants to receive summons and complaint as well as to respond in any way to
		Plaintiffs' complaint remains tolled while the stay is in effect.
	3.	Until a new Scheduling Conference is scheduled sometime after July 1, 2011, the
		parties will not hold their Conference under Fed. R. Civ. P. 26(f) and will not make
		disclosures under Rule 26(a).
	4.	This Stipulation will not be considered a general appearance by the Defendants.
	5.	Baykeeper shall continue to have the right to participate in negotiations with the
		United States, Water Boards, and the Defendants regarding the Stipulated Order for
		Preliminary Relief. During the stay period, Baykeeper shall receive copies of any
		documents or plans due under the current Administrative Orders issued to Defendants
		on or about November 18, 2009, and shall have the opportunity to comment on those
		documents and plans.
	6.	This Stay may be extended by stipulation of the parties, and further order of the
		Court.
Date: _	_ 5/	By: United States District Judge

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[PROPOSED] ORDER GRANTING STAY