

E-Filed 9/6/11

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ,
Plaintiff,
v.
CITY OF ALAMEDA, et al.,
Defendants.

BAYKEEPER, INC., d/b/a SAN FRANCISCO
BAYKEEPER, Intervenor-Plaintiff.

No. 4:09-CV-05684-RS
[PROPOSED] ORDER EXTENDING
STAY DURING TERM OF
STIPULATED ORDER

**[PROPOSED] ORDER EXTENDING STAY DURING TERM
OF STIPULATED ORDER**

Whereas, good cause appears:


Pursuant to Stipulation, IT IS ORDERED that:

1. The stay previously granted is hereby extended through the life of the Stipulated Order for Preliminary Relief (“Stipulated Order”) and until further order of this Court. Except as stipulated in Paragraphs 6 and 7, below, all litigation activity shall continue to be stayed in *United States v. City of Alameda, et al.*, USDC N.D. Cal. Case No. CV 09-05684 RS:

- 1 a. No party will file motions or initiate discovery.
- 2 b. The time for the United States to serve its summons and complaint will be
- 3 tolled while the stay is in effect.
- 4
- 5 c. The time for Defendants to respond in any way to Baykeeper's complaint in
- 6 intervention will be tolled while the stay is in effect, and Defendants preserve
- 7 all options and arguments for any response to Baykeeper's complaint in
- 8 intervention.
- 9 2. With respect to any amended complaint filed by the United States and the State of
- 10 California, the time for Defendants to receive summons and complaint as well as to
- 11 respond in any way to Plaintiffs' complaint remains tolled while the stay is in effect.
- 12
- 13 3. Until a new Scheduling Conference is scheduled shortly before or after the
- 14 termination of the Stipulated Order, the parties will not hold their Conference under
- 15 Fed. R. Civ. P. 26(f) and will not make disclosures under Rule 26(a).
- 16
- 17 4. This Stipulation will not be considered a general appearance by the Defendants.
- 18
- 19 5. During the stay period, Baykeeper shall receive copies of any documents or plans due
- 20 under the current Administrative Orders issued to Defendants on or about November
- 21 18, 2009, or under the Stipulated Order once entered, and shall have the opportunity
- 22 to comment on those documents and plans.
- 23
- 24 6. Intervenor-Plaintiff Baykeeper may bring a motion or motions for attorneys' fees
- 25 incurred by Baykeeper once the Stipulated Order is entered and the other parties may
- 26 oppose such motions.
- 27
- 28 7. The parties may bring any proceedings necessary in this action to enforce the terms of
- the Stipulated Order once it is entered.

1 8. This Stay may be extended by stipulation of the parties, and further order of the
2 Court.

3
4 DATED: 9/6, 2011

By: 
RICHARD SEEBORG
U.S. District Court Judge

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28