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10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 **COHO SALMON (*Onchorynchus kisutch*),**  
 14 **NORTHERN CALIFORNIA RIVER**  
 15 **WATCH, a non-profit Corporation and**  
**COAST ACTION GROUP,**

16 Plaintiffs,

17 v.

18 **CLINTON FOLGER doing business as**  
 19 **GREEN PASTURES VALLEY, LLC;**  
 20 **DOROTHY R. RICE, Executive Director,**  
 21 **CALIFORNIA STATE WATER**  
**RESOURCES CONTROL BOARD; and**  
**DOES 1-20, Inclusive,**

22 Defendants.

3:10-cv-00741 JL

**STIPULATION AND ~~PROPOSED~~**  
**ORDER EXTENDING TIME FOR**  
**MEDIATION**

Judge: The Hon. James Larson

Action Filed: February 22, 2010

23  
 24 On December 6, 2010, Defendants DOROTHY R. RICE and CALIFORNIA STATE  
 25 WATER RESOURCES CONTROL BOARD (State Defendants) will be filing a Motion to  
 26 Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to be heard on January  
 27 26, 2011. Among other arguments, State Defendants will argue that the CALIFORNIA STATE  
 28 WATER RESOURCES CONTROL BOARD is a state agency immune from suit under the

1 Eleventh Amendment to the United States Constitution. Plaintiffs aver that the STATE WATER  
2 RESOURCES CONTROL BOARD is not a named party in the suit.

3 The parties hereby stipulate and agree that the deadline for mediation should be extended to  
4 30 days after January 26, 2011 so that this Court has an opportunity to decide whether the State  
5 Defendants should be dismissed from the suit. State Defendants are signing this Stipulation  
6 without waiving or releasing their rights under the Eleventh Amendment to the United States  
7 Constitution.

8 Dated: December 1, 2010

Respectfully submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
JOHN DAVIDSON  
Supervising Deputy Attorney General

/S/ ALLISON E. GOLDSMITH

ALLISON E. GOLDSMITH  
Deputy Attorney General  
*Attorneys for Defendant California State  
Water Resources Control Board*

16 Dated: December 1, 2010

APPROVED:  
LAW OFFICES OF JACK SILVER  
*E-mail Approval 12/1/10*  
JACK SILVER  
*Attorneys for Plaintiffs Coho Salmon,  
Northern California River Watch & Coast  
Action Group*

21 Dated: December 1, 2010

APPROVED:  
ANDRIAN & GALLENSON  
*E-mail Approval 12/1/10*  
STEPHEN M. GALLENSON  
*Attorneys for Defendant Clinton Folger dba  
Green Pastures Valley, LLC*

26 IT IS SO ORDERED  
27 Dated: December 3, 2010

  
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JAMES LARSON  
UNITED STATES MAGISTRATE JUDGE