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17 Attorneys for Federal Defendant

18 **IN THE UNITED STATES DISTRICT COURT**
 19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 20 **SAN FRANCISCO DIVISION**

21 **THE SIERRA CLUB and ENVIRONMENTAL**
 22 **INTEGRITY PROJECT,**

23 Plaintiffs,

24 vs.

25 **UNITED STATES ENVIRONMENTAL**
 26 **PROTECTION AGENCY,**

27 Defendant.



Case No. C-11-0846-MEJ

**JOINT CASE MANAGEMENT
REPORT**

1 This is an action brought by Plaintiffs pursuant to the Freedom of Information Act, 5 U.S.C. §
2 552, to compel production of documents. The information request upon which this suit is based, sought
3 information submitted to defendant relating to the operations of coal-fired power plants owned by the
4 Luminant corporation. On June 6, 2011, the Court referred the parties to a formal mediation process and
5 appointed mediator Daniel Bowling, to provide guidance for settlement discussions. Dkt. Nos. 17 and
6 18, respectively. On June 27, 2011, the Court adopted the parties' proposed stipulation on mediation and
7 briefing schedule. Dkt. No. 20. The order adopting the parties' stipulation called for the parties to report
8 back to the Court regarding the status of their mediation efforts by October 1, 2011. The parties apolo-
9 gize to the Court that they did not submit this report by October 1, 2011.

11 The parties report to the Court that, with the assistance of mediator Daniel Bowling, they have
12 engaged in a number of formal settlement conference calls, have exchanged proposals and have at-
13 tempted to involve the Luminant corporation in the formal mediation process. The parties hoped that
14 with Luminant's participation, defendant might be released from the time consuming process of inde-
15 pendently evaluating Luminant's claims of confidentiality for the records at issue. Unfortunately, after
16 an extended period, Luminant, declined to voluntarily participate in the mediation process.

18 The parties report that despite their efforts to explore settlement options, they do not believe that
19 further resort to the Court's mediation program is reasonably likely to resolve this matter and therefore
20 jointly request this matter be placed back on a briefing schedule. The parties propose the following
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1 schedule for briefing dispositive motions in this case:

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|---|--|-----------------------------|
| 2 | Defendant's Motion for Summary Judgment: | January 13, 2012 |
| 3 | Plaintiffs' Opposition, Cross-Motion: | February 10, 2012 |
| 4 | Defendant's Reply, Opposition: | March 9, 2012 |
| 5 | Plaintiffs' Reply: | April 6, 2012 |
| 6 | Hearing: | May 10, 2012, at 10:00 a.m. |

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Respectfully submitted for the Court's consideration, this 17th day of November, 2011.

MELINDA HAAG
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