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Attorneys for Federal Defendant

19 **IN THE UNITED STATES DISTRICT COURT**  
**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

**SUPPLEMENTAL 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.

5  
6 After the parties completed briefing cross-motions for summary judgment, but before oral argu-  
7 ment on same, on May 20, 2012, the Court vacated the scheduled hearing and ordered the parties to  
8 meet and confer in her chambers on May 30, 2012. Dkt. No. 50. After fruitful discussion in chambers,  
9 the parties agreed to continue with informal settlement discussions in an effort to resolve this matter  
10 without further litigation. Accordingly, the parties engaged in a number of direct and informal settlement  
11 conference calls and have exchanged a settlement proposal. Additionally, the Parties wish to inform the  
12 Court that recent EPA enforcement activities involving Luminant Generation Company may impact EIP  
13 and Sierra Club's interest in the documents at issue in this matter. Because the parties required addi-  
14 tional time in which to explore possible resolution of this case, when they reported back to the Court on  
15 September 20, 2012, they requested that the case be stayed until November 21, 2012 by which time they  
16 would inform the Court of the status of their settlement efforts. Dkt. No. 52. The Court so ordered. Dkt.  
17 No. 53.

18  
19 At this time, the parties have not yet been able to obtain consensus on how to settle the case.  
20 They therefore desire additional time in which to explore a negotiated resolution to this dispute.

21  
22 Accordingly, the parties request that they be provided an additional month in which to attempt to  
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26 ///

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1 conclude their settlement negotiations and report back to the Court on the status of same no later than  
2 December 21, 2012.

3 Respectfully submitted for the Court's consideration, this 21<sup>st</sup> day of November, 2012.

4  
5 MELINDA HAAG  
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6  
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14 s/ Abraham Simmons  
15 ABRAHAM SIMMONS  
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17 Attorneys for Federal Defendant



18 GRANTED. Parties  
19 shall report back  
20 to the Court no  
21 later than  
22 12/21/2012  
23 re settlement  
24 negotiations.  
25 Dated: 11/21/2012