

1 MICHAEL V. BRADY (SBN 146370)  
 BRADY & VINDING  
 2 400 Capitol Mall, Suite 2640  
 Sacramento, CA 95814  
 3 Telephone: (916) 446-3400  
 Facsimile: (916) 446-7159  
 4 mbrady@bradyvinding.com

5 Attorneys for Defendant  
 ALAMEDA COUNTY INDUSTRIES, INC.,  
 6 a corporation

7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10  
 11 GLOBAL COMMUNITY MONITOR, a  
 non-profit corporation,

12 Plaintiff,

13 v.

14 ALAMEDA COUNTY INDUSTRIES, INC.,  
 15 a corporation,

16 Defendants

**CASE NO. C11-00976**

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO CONTINUE CASE  
 MANAGEMENT CONFERENCE**

17  
 18 On September 16, 2011 the parties to this action filed a “Notice of Settlement and  
 19 [Proposed] Order to Continue Case Management Conference” and the Court subsequently  
 20 continued the Case Management Conference to December 2, 2011 and set November 16, 2011 as  
 21 the date for filing of either a Stipulation for Approval of Settlement Agreement and Dismissal of  
 22 Plaintiff’s Claims or a Notice that the settlement is null and void. The purpose for the proposed  
 23 order was to allow the United States Department of Justice and the United States Environmental  
 24 Protection the time necessary to review and approve the settlement pursuant to 40 C.F.R. § 135.5  
 25 and 33 U.S.C. § 1365(c). On Friday, October 14, 2011 the Department of Justice informed Plaintiff  
 26 that such review would not be complete until November 28, 2011.

27 Given this date and the necessity of the statutorily mandated 45-day review period, the  
 28 parties request that December 2, 2011 be set as the date by which a Stipulation for Approval of

1 Settlement Agreement and Dismissal of Plaintiff's Claims or a Notice that the settlement is null and  
2 void, must be filed. Thus, the parties jointly request the Case Management Conference, currently  
3 set for December 2, 2011, be rescheduled to December 16, 2011.

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

Dated: October 17, 2011

Respectfully submitted,  
BRADY & VINDING

By: /s/ Michael V. Brady  
Michael V. Brady  
Attorneys for Defendant  
ALAMEDA COUNTY INDUSTRIES, INC.,  
a corporation

LOZEAU DRURY LLP

By: /s/ Douglas J. Chermak (auth. on 10/17/11)  
Douglas J. Chermak  
Attorneys for Plaintiff  
GLOBAL COMMUNITY MONITOR

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

**[PROPOSED] ORDER**

Pursuant to stipulation and for good cause shown:

**IT IS HEREBY ORDERED** that the Parties' Stipulation for Approval of Settlement Agreement and Dismissal of Plaintiff's Claims or a Notice that the settlement is null and void be filed by December 2, 2011 and

**IT IS FURTHER ORDERED** that the Case Management Conference scheduled for December 2, 2011 is continued to December 16, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 18, 2011,

Judge Edward M. Chen  
United States District Court

