

1
2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 SIERRA CLUB and MEDICAL
6 ADVOCATES FOR HEALTHY AIR,

7 Plaintiffs,

8 v.

9 LISA JACKSON, in her official capacity as
10 administrator of the U.S. Environmental
11 Protection Agency, and JARED
12 BLUMENFELD, in his official capacity as
13 Regional Administrator for Region 9 of the
14 U.S. Environmental Protection Agency,

15 Defendants.
16 _____ /

No. C11-03106 JSW

**JOINT STIPULATION TO EXTEND
DATE FOR DEFENDANTS TO ANSWER
OR OTHERWISE PLEAD AND TO
CONTINUE CASE MANAGEMENT
REQUIREMENTS PENDING
COMPLETION OF SETTLEMENT
DISCUSSIONS**

17 Plaintiffs and Defendants, by and through counsel, hereby jointly stipulate (1) to a further
18 extension of time for Defendants to answer or otherwise plead to Plaintiffs' complaint, and (2) to a
19 further continuance of the case management conference requirements applicable to this case, pending
20 completion of ongoing settlement discussions. **Defendants' responsive pleading is otherwise due**
21 **January 27, 2012, and the case management conference in this matter is currently scheduled**
22 **for February 10, 2012.** In support hereof, the parties state as follows:

- 23 1. This case involves claims that the United States Environmental Protection Agency has failed
24 to undertake certain nondiscretionary duties under the Clean Air Act, 42 U.S.C. 7401-7671q.
- 25 2. Plaintiffs and Defendants have been actively discussing settlement and have reached a
26 tentative settlement of this matter, subject to appropriate approvals by government officials.
- 27 3. In light of the foregoing, the parties request that Defendants' responsive pleading be due on
28 or before March 30, 2012, and that all case management requirements – including the case
management statement and the case management conference currently set for February 10,
2012 – be continued to a date and time on or **after April 13, 2012.**

Respectfully submitted January 27, 2012

s/ Martin F. McDermott
MARTIN F. MCDERMOTT, Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section

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

P.O. Box 7611
Washington, D.C. 20044
(202) 514-4122
Counsel for Defendants

s/ Wendy Park
WENDY PARK, Associate Attorney
Earthjustice
426 17th St., 5th Floor
Oakland, CA 94612
415-217-2000
Counsel for Plaintiffs

PURSUANT TO STIPULATION, IT IS ORDERED THAT:

Defendants shall answer or otherwise plead to the Complaint on or before March 30, 2012, and the case management conference in this matter, currently set for February 10, 2012, is hereby continued to April 20, 2012 at 1:30 p.m.

Dated: January 31, 2012



UNITED STATES DISTRICT JUDGE

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

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of January, 2012, a copy of the foregoing **JOINT STIPULATION TO EXTEND DATE FOR DEFENDANTS TO ANSWER OR OTHERWISE PLEAD AND TO CONTINUE CASE MANAGEMENT REQUIREMENTS PENDING COMPLETION OF SETTLEMENT DISCUSSIONS** was filed and served through the Court's CM/ECF system.

s/ Martin F. McDermott
MARTIN F. MCDERMOTT, Trial Attorney
United States Department of Justice