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5 Attorney for Plaintiff  
 6 NORTHERN CALIFORNIA RIVER WATCH

7  
 8 UNITED STATES DISTRICT COURT

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 10 NORTHERN DISTRICT OF CALIFORNIA

11 NORTHERN CALIFORNIA RIVER  
 WATCH, a non-profit Corporation,

12 Plaintiff,

13 v.

14 CITY OF SAN JOSÉ and DOES 1 -10,  
 15 Inclusive,

16 Defendants.

CASE NO.: 3:12-cv- 01624 MEJ

**EXPEDITED MOTION FOR  
 RELIEF FROM CASE MANAGEMENT  
 SCHEDULE; DECLARATION OF  
 JERRY BERNHAUT; [~~PROPOSED~~]  
 ORDER  
 [Civil L. R. 16-2(d)]**

Case Mgmt Conf.: July 19, 2012

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18 Plaintiff NORTHERN CALIFORNIA RIVER WATCH hereby moves for relief from the  
 19 Order Setting Initial Case Management Conference and ADR Deadlines issued by this Court on  
 20 March 30, 2012 (DKT # 2) in that Plaintiff moves to extend all deadlines set in said Order for  
 21 period of sixty (60) days.

22  
 23 Dated: July 10, 2012

/s/ Jerry Bernhaut  
 24 JERRY BERNHAUT  
 25 Attorney for Plaintiff  
 26 NORTHERN CALIFORNIA RIVER WATCH  
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**DECLARATION OF JERRY BERNHAUT**

1. I am attorney for Plaintiff herein, have personal knowledge of all matters stated herein, and, if called as a witness, could and would testify competently thereto.

2. This action is a complaint for injunctive relief, civil penalties and restitution brought against Defendant CITY OF SAN JOSÉ for current and ongoing violations of the Clean Water Act, 33 U.S.C. §1251 *et seq.* The action was filed on March 30, 2012. A First Amended Complaint was filed on May 30, 2012 (DKT # 5). The First Amended Complaint and all other mandated pleadings were served as of June 5, 2012 and counsel for Defendant, Jennifer Pousho, executed a Waiver of Service of the Summons on behalf of Defendant on July 5, 2012 (DKT #7). There has been no appearance on behalf of Defendant to date.

3. Pursuant to FRCP Rule 12, Defendant must file and serve an answer or other responsive pleading within 60 days from June 5, 2012, or no later than August 6, 2012. As the current scheduling Order includes deadlines taking place in July including an Initial Case Management Conference on July 19, 2012, I am requesting all deadlines be extended for a period of sixty (60) days to allow Defendant time to file a responsive pleading pursuant to Rule 12. The continuance requested will not hinder or harm any proceedings in this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed in Kensington, California on July 10, 2012.

  
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JERRY BERNHAUT

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1 ~~PROPOSED~~ ORDER

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3 GOOD CAUSE APPEARING, it is hereby,

4 **ORDERED**, that the deadlines set forth in Order Setting Initial Case Management  
5 Conference and ADR Deadlines be extended as follows:

6 Last day to:

7 • meet and confer re: initial disclosures, early - August 30, 2012  
8 settlement, ADR process selection, and  
9 discovery plan

10 •file ADR Certification signed by parties and counsel

11 •file either Stipulation to ADR Process or Notice  
12 of Need for ADR Phone Conference

13 Last day to file Rule 26(f) Report, complete initial - September 13, 2012  
14 disclosures and File Case Management Statement

15 Initial Case Management Conference - September 20, 2012  
16 10:00 a.m. - Courtroom B, 15<sup>h</sup> Floor, San Francisco

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28 Dated: July 13, 2012

  
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MARIA-ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE