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

SIERRA CLUB,

Plaintiff,

v.

LISA P. JACKSON, in her official capacity
as Administrator of the U.S. Environmental
Protection Agency,

Defendant.

Case. No.: 3:12-cv-4078-SI

**JOINT STIPULATION EXTENDING
TIME FOR DEFENDANTS TO FILE
ANSWER AND TAKING INITIAL
CASE MANAGEMENT
CONFERENCE OFF-CALENDAR
AND ~~[PROPOSED]~~ ORDER**

The parties have reached a tentative agreement on the key terms of a proposed settlement that would fully resolve this case without further litigation and are currently working to memorialize that agreement in a proposed Consent Decree. Undersigned counsel will then submit the proposed Consent Decree to their respective parties for final approval. Approval of the settlement on behalf of Defendant requires review by the appropriate officials of the U.S. Environmental Protection Agency (“EPA”) and the U.S. Department of Justice as well as compliance with 40 U.S.C. § 7413(g). Approval of the

1 settlement on behalf of Plaintiff requires review and approval by the Sierra Club's
2 National Litigation Committee.

3 Upon approval of the parties, Defendant Lisa Jackson, Administrator of the EPA,
4 will lodge a proposed consent decree with the Court. The proposed consent decree
5 should not be signed or entered by the Court at that time. Pursuant to section 113(g) of
6 the Clean Air Act, 42 U.S.C. § 7413(g), the consent decree is not final and cannot be
7 entered by the Court until the EPA Administrator provides "a reasonable opportunity by
8 notice in the Federal Register to persons who are not named as parties or intervenors to
9 the action" to comment in writing upon the proposed decree. After a reasonable public
10 comment period, the EPA Administrator and the Attorney General, as appropriate, must
11 promptly consider any written comments received. Id. If the federal government elects
12 not to withdraw or withhold consent to the proposed consent decree, EPA will promptly
13 file a motion requesting that the Court enter the consent decree.

14 Accordingly, the parties stipulate to and request that the Court take the Initial
15 Case Management Conference set for December 14, 2012 (Dkt. No. 19) off-calendar in
16 light of the tentative agreement. The parties also stipulate and agree that Defendant's
17 time to answer Plaintiff's Complaint for Declaratory and Injunctive Relief (Dkt. No. 1) is
18 extended to and including January 15, 2013.

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1 Respectfully submitted,
2 Date: November 14, 2012

3 IGNACIA S. MORENO
4 Assistant Attorney General
5 Environment and Natural Resources Division

6 _____
7 /s/
8 LESLIE M. HILL (D.C. Bar No. 476008)
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2 Date: November 14, 2012

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4 /s/ electronic mail authorization 11/14/12

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[PROPOSED] ORDER

Pursuant to Stipulation, IT IS SO ORDERED.

DATED this 14 day of November, 2012.



SUSAN ILLSTON
United States District Judge

The case management conference is continued to Friday, February 22, 2013 at 2:30 p.m.