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 6 NORTHERN CALIFORNIA RIVER WATCH

7
 8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 CALIFORNIA RIVER WATCH,
 a 501(c)(3) non-profit, public benefit
 11 Corporation,

12 Plaintiff,

13 v.

14 UNI-TILE & MARBLE, INC., et al,

15 Defendants.

CASE NO.: 3:13-cv-01949 NC

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

Case Mgmt Conf.: July 31, 2013

16 Plaintiff NORTHERN CALIFORNIA RIVER WATCH hereby moves for relief from the
 17 Order Setting Initial Case Management Conference and ADR Deadlines issued by this Court on
 18 April 29, 2013 (DKT #2) in that Plaintiff moves to extend all deadlines set in said Order for
 19 period of thirty (30) days.
 20

21 Dated: June 6, 2013

/s/ Jack Silver

 JACK SILVER
 Attorney for Plaintiff
 NORTHERN CALIFORNIA RIVER WATCH

1 **DECLARATION OF JACK SILVER**

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


4 2. This action is a complaint for injunctive relief, civil penalties and restitution
5 brought against Defendant Uni-Tile & Marble, Inc. for current and ongoing violations of the
6 Clean Water Act , 33 U.S.C. §1251 *et seq.* The action was filed on April 29, 2013. Defendant
7 was served with the pleadings on May 2, 2013. No appearance has been filed on behalf of
8 Defendant. Defendant is not represented by counsel.

9 3. At the request of Defendant, counsel for Plaintiff met with Defendant on June 5,
10 2013 at the Hayward site which is the subject of these proceedings, both to inspect the site and
11 to discuss with Defendant the violations raised in the Complaint.

12 4. Following the June 5, 2013 meeting, it was agreed that the parties would focus
13 their efforts in the next few weeks on negotiating a resolution of Plaintiff's claims as identified
14 in the Complaint.

15 5. As the current scheduling Order includes deadlines taking place in July, 2013 and
16 an Initial Case Management Conference on July 31, 2013; and, as any written settlement
17 agreement reached between the parties is required to be provided to the U.S. Department of
18 Justice for the mandatory 45-day agency review in accordance with 33 U.S.C. § 1365(c)(3), I
19 respectfully request that all deadlines be extended for a period of thirty (30) days to allow the
20 parties time to negotiate a resolution of this matter absent further litigation. The continuance
21 requested will not hinder or harm any proceedings in this matter.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct and that this declaration was executed in Santa Rosa, California on
24 June 6, 2013.

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26 _____
27 JACK SILVER
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~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING, it is hereby,

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

- Last day to:
- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan - August 7, 2013
 - file ADR Certification signed by parties and counsel
 - file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference
- Last day to file Rule 26(f) Report, complete initial disclosures and File Case Management Statement - August 21, 2013
- Initial Case Management Conference - August 28, 2013
~~10:00 a.m.~~ - Courtroom A, 15^h Floor, San Francisco
3:00 p.m.

Dated: June 10, 2013

