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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

17 SIERRA CLUB and NATURAL RESOURCES)
 18 DEFENSE COUNCIL,)
 19 Plaintiffs,)
 20 and)
 21 THE STATES OF ARIZONA, NEVADA, NORTH)
 22 CAROLINA, NORTH DAKOTA AND TEXAS,)
 23 THE COMMONWEALTH OF KENTUCKY)
 24 ENERGY AND ENVIRONMENT CABINET, AND)
 25 THE LOUISIANA DEPARTMENT OF)
 26 ENVIRONMENTAL QUALITY,)
 27 Plaintiff-Intervenor,)
 28 v.)
 29 GINA MCCARTHY, in her official capacity as)
 30 Administrator of the United States Environmental)
 31 Protection Agency,)
 32 Defendant.)

Case No: 3:13-cv-03953 SI

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO AMEND
 CASE SCHEDULE**

 CMC Date: Feb. 7, 2014
 Time: 2:30 p.m.

 Proposed New CMC Date: July 25,
 2014
 Proposed New Time: 2:30 p.m.

 Judge: Hon. Susan Illston

1 **JOINT STIPULATION AND PROPOSED ORDER TO AMEND CASE SCHEDULE**

2 Pursuant to Civil Local Rules 7-12 and 16-2(d), the parties jointly hereby stipulate and
3 request that the Court modify the schedule for this case by (1) continuing the case management
4 conference from February 7, 2014 to July 25, 2014 and (2) continuing pending ADR-related
5 deadlines and re-establishing those deadlines at July 3, 2014, in order to allow the parties to
6 continue to negotiate the remedy in this matter and otherwise resolve the case according to the
7 briefing schedule recently ordered by the Court. In support of this stipulation, the parties show
8 the following:
9

10 WHEREAS, The case management conference for this matter is presently scheduled for
11 February 7, 2014. Docket Nos. 72 & 76. Accordingly, the Rule 26(f) conference must be held
12 by January 17, 2015 – today. Fed. R. Civ. P. 26(f)(1). The Rule 26(f) report and requests to
13 appear at the case management conference by telephone are due on January 31, 2014. Id. Rule
14 26(f)(2); Civ. Local R. 16-10. Initial disclosures under Rule 26(a)(1)(A) are also due January 31,
15 2014. Fed. R. Civ. P. 26(a)(1)(C).
16

17 WHEREAS, Magistrate Judge Westmore’s Order Setting Initial Case Management
18 Conference and ADR Deadlines set the deadlines for the following actions: (1) meet and confer
19 regarding early settlement and ADR process selection; (2) file ADR Certification; and (3) file
20 either Stipulation to ADR Process or Notice of Need for ADR Phone Conference. Docket No. 8.
21 Magistrate Judge Westmore required these actions to be taken 21 days prior to the case
22 management conference. Because the case management conference has been re-scheduled to
23 February 7, 2014, these actions appear to be required by January 17, 2014 – today.
24

25 WHEREAS, The parties are currently engaged in settlement discussions, and should
26 those discussions not result in settlement the parties will then begin briefing the remedy question
27 as ordered by the Court. These efforts may completely obviate the need for a case management
28

1 conference and/or ADR. Accordingly, engaging in actions related to the case management
2 conference and ADR at this time would divert resources from these efforts.

3 NOW THEREFORE the parties stipulate, subject to order of the Court, to modify the
4 schedule for this case as follows:

- 5 • That the initial case management conference presently scheduled for February 7,
6 2014 be continued and be scheduled for July 25, 2014, and that all deadlines set
7 by rule by reference to the date of the case management conference be reset
8 accordingly.
- 9 • That the following ADR-related actions be continued and set for July 3, 2014: (1)
10 meet and confer regarding ADR process selection; (2) file ADR Certification; and
11 (3) file either Stipulation to ADR Process or Notice of Need for ADR Phone
12 Conference.
13
14

15 Respectfully submitted,

16 ROY COOPER
17 Attorney General

18 By: /s/ Marc Bernstein
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21 N.C. Department of Justice

22 /s/ Michael N. Westheimer
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27
28

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2 **Environmental Protection Agency**

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15 **ORDER**

16 PURSUANT TO STIPULATION, IT IS SO ORDERED THAT:

- 17
- 18 • The initial case management conference presently scheduled for February 7, 2014
19 is continued and is scheduled for July 25, 2014, and all deadlines set by rule by
20 reference to the date of the case management conference are reset accordingly.
 - 21 • The following ADR-related actions are continued and set for July 3, 2014: (1)
22 meet and confer regarding ADR process selection; (2) file ADR Certification; and
23 (3) file either Stipulation to ADR Process or Notice of Need for ADR Phone
24 Conference.

25 This 17th day of January, 2014.

26 
27 _____
28 HON. SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE