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10 Attorneys for Plaintiff  
 11 CALIFORNIANS FOR  
 12 ALTERNATIVES TO TOXICS

13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 CALIFORNIANS FOR  
 16 ALTERNATIVES TO TOXICS,

Case No. 3:17-cv-05287-JST

17 Plaintiff,

**STIPULATION GRANTING LEAVE TO  
 FILE SECOND AMENDED  
 COMPLAINT; ~~PROPOSED~~ ORDER  
 THEREON**

18 vs.

19 SCHNEIDER DOCK & INTERMODAL  
 20 FACILITY, INC., RYAN SCHNEIDER,  
 21 and DAVID SCHNEIDER,

Hon. Judge Jon S. Tigar

22 Defendants,

23 Plaintiff Californians for Alternatives to Toxics ("Plaintiff") and Schneider Dock &  
 24 Intermodal Facility, Ryan Schneider, and David Schneider ("Defendants") by and through  
 25 their respective counsel, hereby stipulate and agree as follows:

26 WHEREAS, on December 21, 2017, Plaintiff filed its First Amended Complaint  
 27 (Docket No. 33) against Defendants alleging violations of the Clean Water Act;

28 WHEREAS, Plaintiff contends that, in January 2018, it discovered information  
 concerning Schneider Dock Industrial Park, LLC ("SDIP"), and likewise contends that  
 SDIP has violated, and continues to violate the Clean Water Act for failure to obtain

1 NPDES permit coverage for its industrial storm water discharges in an area adjacent to  
2 what Defendants contends is the “Facility” at issue;

3 WHEREAS, on February 9, 2018 Plaintiff provided Schneider Dock Industrial Park,  
4 LLC with Plaintiff’s Notice of Violations and Intent to File Suit (“NOV”) alleging  
5 violations of the Clean Water Act and the General Permit;  
6

7 WHEREAS, pursuant to 33 U.S.C. § 1365(b) no citizen suit action to enforce the  
8 Clean Water Act may be commenced prior to sixty days after the plaintiff has given notice  
9 to EPA, the State, and the alleged violator, and *thus Plaintiff may not initiate an action to*  
10 *enforce the claims alleged in the NOV until April 10, 2018;*  
11

12 WHEREAS, the Court’s Scheduling Order (Docket No. 35) set the deadline to add  
13 parties or amend the pleadings to be February 23, 2018;  
14

15 WHEREAS, Plaintiff now seeks to amend the Complaint to include Schneider Dock  
16 Industrial Park, LLC as a Defendant in this matter.

17 The parties stipulate, and good cause exists, that:  
18

19 (1) After April 10, 2018, Plaintiff may file a second amended complaint naming  
20 Schneider Dock Industrial Park, LLC as an additional Defendant in this matter.

21 (2) Defendants’ response thereto shall be filed within thirty (30) days after the  
22 second amended complaint is filed.  
23

24 IT IS SO STIPULATED.

25 Dated: April 9, 2018

Respectfully Submitted,

26 LAW OFFICES OF ANDREW L. PACKARD

27 By: /s/ Andrew L. Packard  
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Andrew L. Packard  
Attorneys for Plaintiff  
CALIFORNIANS FOR  
ALTERNATIVES TO TOXICS

Dated: April 9, 2018

CANNATA O'TOOLE FICKES ALMAZAN

By: /s/Kimberly A. Almazan  
Kimberly A. Almazan  
Attorneys for Defendants  
SCHNEIDER DOCK & INTERMODAL  
FACILITY, RYAN SCHNEIDER, and DAVID  
SCHNEIDER

**ATTESTATION FOR E-FILING**

I hereby attest pursuant to Civil L.R. 5-1(i) (3) that I have obtained concurrence in the filing of this document from the other Signatory prior to filing.

DATED: April 9, 2018

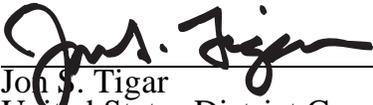
By: /s/ Andrew L. Packard

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**ORDER APPROVING STIPULATION**

Good cause appearing to allow Plaintiff to file a second amended complaint after  
April 10, 2018, IT IS SO ORDERED.

Dated: April 10, 2018

  
\_\_\_\_\_  
John S. Tigar  
United States District Court Judge