

1 JOHN C. CRUDEN  
 Acting Assistant Attorney General  
 Environment & Natural Resources Division

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3 ROCHELLE L. RUSSELL (CA Bar No. 244992)  
 Trial Attorney  
 U.S. Department of Justice  
 Environment & Natural Resources Division  
 301 Howard Street, Suite 1050  
 San Francisco, CA 94150  
 Tel: (415) 744-6485  
 Fax: (415) 744-6476  
 Email: rochelle.russell@usdoj.gov  
*Attorney for Defendants*

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10 UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 OAKLAND DIVISION

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13 ASSOCIATION OF IRRITATED )  
 14 RESIDENTS, an unincorporated association, )

15 Plaintiff, )

16 v. )

17 UNITED STATES ENVIRONMENTAL )  
 PROTECTION AGENCY, LISA P. )  
 JACKSON, in her official capacity as )  
 Administrator of the United States )  
 Environmental Protection Agency, and )  
 19 LAURA YOSHII, in her official capacity as )  
 Acting Regional Administrator for Region IX )  
 of the United States Environmental Protection )  
 Agency,<sup>1/</sup> )

22 Defendants. )  
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 24 )  
 25 )

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Case No. 08-cv-05650 CW

**ORDER GRANTING AS MODIFIED  
 STIPULATION TO EXTEND  
 ANSWER DEADLINE AND TO  
 CONTINUE INITIAL DISCOVERY,  
 ADR REQUIREMENTS, AND CASE  
 MANAGEMENT CONFERENCE**

26 <sup>1/</sup> Stephen L. Johnson and Wayne Nastri were previously named as defendants in their  
 27 official capacities as Administrator and Regional Administrator, respectively, of the United  
 States Environmental Protection Agency (“EPA”). Pursuant to Federal Rule of Civil Procedure  
 28 25(d), their successors, Lisa P. Jackson, Administrator of EPA, and Laura Yoshii, Acting  
 Regional Administrator of EPA, are automatically substituted as defendants.

Stipulation to Extend Answer Deadline and to  
 Continue Initial Discovery, ADR Requirements,  
 and Case Management Conference

Case No. 08-cv-05650 CW

1           WHEREAS, on December 18, 2008, Plaintiff Association of Irritated Residents filed the  
2 complaint in the above-captioned matter against Defendants United States Environmental  
3 Protection Agency; Lisa P. Jackson, in her official capacity as Administrator of the United States  
4 Environmental Protection Agency; and Laura Yoshii, in her official capacity as Acting Regional  
5 Administrator for Region IX of the United States Environmental Protection Agency  
6 (collectively, "EPA"), alleging that EPA has failed to undertake certain nondiscretionary duties  
7 under section 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2);

8           WHEREAS, Plaintiff and EPA seek to resolve this case through private settlement,  
9 thereby reducing litigation expenses and preserving the Court's resources, and are currently  
10 engaged in settlement discussions;

11           WHEREAS, any final settlement of this case must be approved by authorized officials at  
12 the United States Department of Justice and EPA, a process that can take several weeks;

13           WHEREAS, at least 30 days before any final settlement of this matter can be entered,  
14 EPA must provide notice of such settlement in the Federal Register and an opportunity for public  
15 comment pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

16           WHEREAS, no previous requests for extensions of time or continuances have been filed  
17 in this case, and the parties believe that the requested extension and continuances below will not  
18 adversely affect the schedule of this case;

19           NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through  
20 their undersigned counsel, hereby stipulate to the following:

21           1.       EPA's time for responding to Plaintiffs' complaint is extended by 90 days to May  
22 18, 2009;

23           2.       The parties' deadline to meet and confer regarding initial disclosures, early  
24 settlement, ADR process selection and certification, and discovery planning is continued until  
25 June 3, 2009;

26           3.       The parties' deadline to file initial disclosures, a Case Management Statement,  
27 and a Rule 26(f) Report is continued until June 17, 2009;

28           4.       The initial case management conference is continued until June 29, 2009, or a

1 date thereafter set by the Court.

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3 **COUNSEL FOR PLAINTIFF:**

4 Dated: February 10, 2009

5 /s/ Brent Newell (with permission)  
6 BRENT NEWELL  
7 MARYBELLE NZEGWU  
8 Center On Race, Poverty & the Environment  
9 47 Kearney Street, Suite 804  
10 San Francisco, CA 94108  
11 Phone: (415) 346-4179  
12 Email: bnewell@crpe-ej.org  
13 Email: mnzegwu@crpe-ej.org  
14 *Counsel for Plaintiff Association of Irrigated  
15 Residents*

16  
17 **COUNSEL FOR DEFENDANTS:**

18 Dated: February 10, 2009

19 JOHN C. CRUDEN  
20 Acting Assistant Attorney General  
21 Environment & Natural Resources Division

22 /s/ Rochelle L. Russell  
23 ROCHELLE L. RUSSELL  
24 Trial Attorney,  
25 U.S. Department of Justice  
26 Environmental & Natural Resources Division  
27 301 Howard Street, Suite 1050  
28 San Francisco, CA 94150  
Tel: (415) 744-6485  
Fax: (415) 744-6476  
Email: rochelle.russell@usdoj.gov  
*Attorney for Defendants*

29 **PURSUANT TO STIPULATION, IT IS SO ORDERED, EXCEPT THE CASE**  
30 **MANAGEMENT CONFERENCE IS CONTINUED TO JUNE 30, 2009, AT 2:00 P.M.**

31  
32 Dated: 2/17/09

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34 \_\_\_\_\_  
35 CLAUDIA WILKEN  
36 UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I certify that on February 10, 2009, a true and correct copy of the foregoing  
3 **STIPULATION TO EXTEND ANSWER DEADLINE AND TO CONTINUE INITIAL**  
4 **DISCOVERY, ADR REQUIREMENTS, AND CASE MANAGEMENT CONFERENCE**  
5 was served electronically via the Court's e-filing system to Counsel of Record.

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7 /s/ Rochelle L. Russell  
8 ROCHELLE L. RUSSELL

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