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

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 WAYNE NASTRI, in his official capacity as )  
 20 Regional Administrator for Region IX of the )  
 United States Environmental Protection )  
 Agency, <sup>1/</sup> )

21 Defendants. )  
 22 )  
 23 )

Case No. 08-cv-05650 CW

**STIPULATION TO CONTINUE  
 ANSWER DEADLINE**

**AND**

**ORDER THEREON**

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26 <sup>1/</sup> Stephen L. Johnson was previously named as the lead defendant in this case in his  
 27 official capacity as Administrator of the United States Environmental Protection Agency.  
 Pursuant to Fed. R. Civ. P. 25(d), his successor, Lisa P. Jackson, is automatically substituted.  
 28 Defendant Wayne Nastri no longer holds the position of Regional Administrator for Region IX  
 of the United States Environmental Protection Agency; his successor, however, has not yet been  
 chosen, and he therefore remains a named defendant in this action.

1 WHEREAS, on December 18, 2008, Plaintiff Association of Irritated Residents filed the  
2 above-captioned matter against the United States Environmental Protection Agency (“EPA”),  
3 alleging that EPA has failed to undertake certain nondiscretionary duties under the Clean Air Act  
4 (“CAA”), 42 U.S.C. §§ 7401-7671q, and that such alleged failures are actionable under section  
5 304(a)(2) of the CAA, 42 U.S.C. § 7604(a)(2);

6 WHEREAS, on February 17, 2009, the Court granted the parties’ stipulation to continue  
7 EPA’s time for responding to Plaintiff’s Complaint until May 18, 2009;

8 WHEREAS, Plaintiff and EPA have reached a tentative settlement, the agreement for  
9 which must first be approved by authorized officials at the U.S. Department of Justice and EPA,  
10 a process that can take several weeks;

11 WHEREAS, EPA staff has recommended approval of the tentative settlement to  
12 authorized officials, but has not yet received approval;

13 WHEREAS, Plaintiff and EPA intend for the agreement to be entered through a Consent  
14 Decree, thereby precluding the need for the filing of an Answer;

15 WHEREAS, Plaintiff and EPA believe that the requested continuance below will not  
16 adversely affect the schedule or resolution of this case;

17 NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through  
18 their undersigned counsel, hereby stipulate that EPA’s time for responding to Plaintiff’s  
19 Complaint, currently set for May 18, 2009, is continued two weeks until June 1, 2009.

20 **COUNSEL FOR PLAINTIFF:**

21 Dated: May 12, 2009

22 /s/ Brent Newell (with permission)  
23 BRENT NEWELL  
24 MARYBELLE NZEGWU  
25 Center On Race, Poverty & the Environment  
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*Counsel for Plaintiff Association of Irritated  
Residents*

**COUNSEL FOR DEFENDANTS:**

Dated: May 12, 2009


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

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/s/ Rochelle L. Russell  
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*Attorney for Defendants*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

5/14/09  
Dated: \_\_\_\_\_

  
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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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