

1 BRADLEY R. O'BRIEN  
 2 DAVIS H. FORSYTHE  
 Environmental Enforcement Section  
 3 United States Department of Justice  
 4 601 D. Street, N.W.  
 Washington, D.C. 20004  
 5 Tel.: (202)616-6528  
 6 Fax: (202)514-2583  
 7 MA Bar No.: 667115  
 Email: brad.obrien@usdoj.gov  
 8 davis.forsythe@usdoj.gov

9 Attorneys for Plaintiff United States

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**  
 13 **OAKLAND DIVISION**

14 THE UNITED STATES OF  
 15 AMERICA,

16 Plaintiff,

17 v.

18 THE CALIFORNIA DEPARTMENT  
 19 OF TRANSPORTATION

20 Defendant.

Civil Action No. 4-09-CV-00437 PJH

21 **STIPULATED AGREEMENT**  
 22 **AND [~~PROPOSED~~] ORDER**  
 23 **REQUESTING EXTENSION OF**  
 24 **STAY TO ALLOW FINAL**  
 25 **APPROVALS TO BE OBTAINED**

26 1. On March 2, 2011, the Court ordered a 120 day stay of litigation in  
 27 this matter upon the Parties' request and joint stipulation to allow the Parties to  
 28 draft a consent decree that would reflect the terms of their agreement in principle.  
 [Docket No. 82]. The United States then drafted and provided a proposed consent  
 decree to the California Department of Transportation.

*STIPULATION REQUESTING EXTENSION OF STAY*  
*CASE No. 04-09-CV-00437 PJH*

1 2. However, lead counsel for the California Department of  
2 Transportation could not meaningfully participate in settlement activities until  
3 early July because of an extended medical leave of absence following surgery.  
4 Accordingly, the Parties sought and the Court granted an extension of the stay  
5 [Docket No. 86].

6 3. The Parties have exchanged several draft agreements, held telephonic  
7 conferences, and participated in negotiation sessions in their efforts to fully resolve  
8 this action. Through these efforts, counsel for the Parties have completed the  
9 drafting of a consent decree that they are now recommending for approval to the  
10 appropriate government officials with authority to approve the settlement.

11 4. To facilitate the Parties' efforts to obtain the required approval of  
12 appropriate officials of the United States Department of Justice, the Presidio Trust,  
13 the United States Army, the California Department of Transportation, and the  
14 California Transportation Commission, the Parties respectfully request an  
15 additional stay of this matter through November 11, 2011.

16 5. The Parties hereby consent to entry of the foregoing Stipulation.

17  
18 Respectfully submitted,

19 FOR PLAINTIFF THE UNITED STATES OF AMERICA:

20  
21 Date: September 23, 2011

/s/ Bradley R. O'Brien  
Bradley R. O'Brien  
Davis H. Forsythe  
Trial Attorneys  
Environmental Enforcement Section  
United States Department of Justice  
601 D Street, N.W.  
Washington, D.C. 20004

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***STIPULATION REQUESTING EXTENSION OF STAY  
CASE NO. 04-09-CV-00437 PJH***

1 FOR DEFENDANT THE CALIFORNIA DEPARTMENT OF  
2 TRANSPORTATION:

3  
4 Date: September 23, 2011

/s/Janet Wong \_\_\_\_\_

5 Janet Wong  
6 California Department of Transportation  
7 595 Market Street, Suite 1700  
8 San Francisco, CA 94105

9  
10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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13 Date: 9/27/11 \_\_\_\_\_



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**STIPULATION REQUESTING EXTENSION OF STAY**  
**CASE No. 04-09-CV-00437 PJH**