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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

ASSOCIATION OF IRRITATED RESIDENTS,)
an unincorporated association,)
Plaintiff,)
vs.)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, et al.,)
Defendants.)

Case No. 09-cv-1890 CW
**STIPULATION TO CONTINUE
ANSWER, INITIAL DISCOVERY, &
ADR DEADLINES**
AND
ORDER THEREON

1 WHEREAS, on April 30, 2009, 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
4 Act, 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, in order to allow the parties to attempt settlement of this action, on July 14,
7 2009, Dkt. 13, the Court granted the parties’ stipulation to continue EPA’s time for responding to
8 Plaintiff’s Complaint until October 12, 2009, the parties’ deadline to file initial discovery and
9 fulfill ADR requirements until October 22, 2009, the parties’ deadline to file a Case Management
10 Statement until December 8, 2009, and the Case Management Conference until December 15,
11 2009;

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

15 WHEREAS, Plaintiff and EPA believe that a short continuance of the above-mentioned
16 initial deadlines will allow the parties sufficient time to finalize the settlement and conserve party
17 and judicial resources;

18 WHEREAS, Plaintiff and EPA intend for any final settlement to be entered through a
19 Consent Decree, thereby precluding the need for the filing of an Answer, Initial Disclosures, and
20 any ADR requirements;

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

23 NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through
24 their undersigned counsel, hereby stipulate as follows:

- 25 (1) EPA’s time for responding to Plaintiff’s Complaint, currently set for October 12,
26 2009, is continued three weeks until November 2, 2009; and
27
28

1 (2) The parties' deadline to meet and confer regarding initial disclosures, early
2 settlement, ADR process selection and certification, and discovery planning, currently
3 set for October 22, 2009, is continued three weeks until November 12, 2009.
4

5 COUNSEL FOR PLAINTIFF:

6 Dated: October 7, 2009 /s/ Alegría De La Cruz (by permission)
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13 *Counsel for Plaintiff*

14 COUNSEL FOR DEFENDANTS:

15 Dated: October 7, 2009 JOHN C. CRUDEN
16 Acting Assistant Attorney General
17 Environment & Natural Resources Division
18 /s/ Rochelle L. Russell
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26 *Counsel for Defendants*

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

28 Dated: 10/13/09 
CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE