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

COMITE CIVICO DEL VALLE, INC.,  
Plaintiff,  
v.

LISA JACKSON, in her official capacity as  
Administrator of the United States  
Environmental Protection Agency, and  
JARED BLUMENFELD, in his official  
capacity as Regional Administrator for Region  
IX of the United States Environmental  
Protection Agency,  
Defendants.

Case No. 10-cv-00946 PJH  
STIPULATION TO A 90-DAY STAY TO  
ALLOW FOR FINAL SETTLEMENT

1           WHEREAS, on March 5, 2010, Plaintiff Comite Civico Del Valle, Inc. filed the  
2 complaint in the above-captioned matter against Defendants Lisa Jackson, in her official capacity  
3 as Administrator of the United States Environmental Protection Agency, and Jared Blumenfeld,  
4 in his official capacity as Regional Administrator for Region IX of the United States  
5 Environmental Protection Agency (collectively, “EPA”), alleging that EPA has failed to  
6 undertake a certain nondiscretionary duty under the Clean Air Act, 42 U.S.C. §§ 7401-7671q,  
7 and that such alleged failure is actionable under section 304(a)(2) of the Clean Air Act, 42 U.S.C.  
8 § 7604(a)(2);

9           WHEREAS, on April 21, 2010, the parties reached a tentative settlement that will, if  
10 entered, fully resolve Plaintiff’s nondiscretionary duty claim against EPA in this Clean Air Act  
11 citizen suit;

12           WHEREAS, the parties will reduce the settlement to a written agreement, in the form of a  
13 proposed consent decree, that will need to be reviewed and authorized by the necessary officials  
14 at the U.S. Department of Justice and EPA;

15           WHEREAS, once approved, EPA will lodge the proposed consent decree with the Court  
16 and publish in the Federal Register a notice of the proposed consent decree and request public  
17 comments, pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g). After a  
18 reasonable comment period (at least 30 days), the EPA Administrator will promptly consider any  
19 written comments received and, if none of the comments disclose facts or considerations which  
20 indicate that the proposed consent decree is inappropriate, improper, inadequate, or inconsistent  
21 with the requirements of the Clean Air Act, the parties will jointly move the Court for entry of  
22 the decree;

23           WHEREAS, the parties agree that, in light of the tentative settlement reached between the  
24 parties and the requisite government approval, lodging, and public comment processes described  
25 above, as well as the principle that federal courts have inherent authority “to stay proceedings in  
26 the interest of saving time and effort for [themselves] and litigants,” *ATSA of Cal., Inc. v.*  
27 *Continental Ins. Co.*, 702 F.2d 172, 176 (9th Cir. 1983), a stay of the case is justified;

28           WHEREAS, there have been no previous stays requested in this case;

1 NOW THEREFORE the parties, by and through their undersigned counsel, hereby  
2 stipulate to a 90-day stay of this case, including any answer, initial discovery, ADR or motion  
3 deadlines, to allow for final settlement in this matter, including the lodging of and public  
4 comment on a proposed consent decree.

5 Respectfully submitted,

6 COUNSEL FOR DEFENDANTS:

7 Dated: April 28, 2010

8 IGNACIA S. MORENO  
Assistant Attorney General  
Environment & Natural Resources Division

9 /s/ Rochelle L. Russell  
10 ROCHELLE L. RUSSELL  
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14 *Counsel for Defendants*

15 COUNSEL FOR PLAINTIFF:

16 Dated: April 28, 2010

17 /s/ Gideon Kracov (with permission)  
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*Counsel for Plaintiff Comite Civico del Valle, Inc.*

22  
23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24  
25 Dated: 5/3/10

26 HON. PHYLLIS J. HAMILTON  
UNITED STATES DISTRICT JUDGE

