

1 IGNACIA S. MORENO  
Assistant Attorney General  
2 Environment and Natural Resources Division

3 MICHELLE R. LAMBERT  
Trial Attorney  
4 U.S. Department of Justice  
Environmental Defense Section  
5 P.O. Box 23986  
Washington, D.C. 20026-3986  
6 Tel: (202) 616-7501  
Fax: (202) 514-8865  
7 Email: michelle.lambert@usdoj.gov  
*Attorney for Defendants*  
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11 UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 OAKLAND DIVISION

14  
15 COMITE CIVICO DEL VALLE, INC., )

16 Plaintiff, )

17 v. )

18 LISA JACKSON, in her official capacity as )  
Administrator of the United States )  
19 Environmental Protection Agency, and )  
JARED BLUMENFELD, in his official )  
20 capacity as Regional Administrator for Region )  
IX of the United States Environmental )  
21 Protection Agency, )

22 Defendants. )  
23 )  
24 )

Case No. 10-cv-02859-PJH

**STIPULATION TO CONTINUE  
ANSWER AND INITIAL CASE  
MANAGEMENT DEADLINES**

**AND**

**[PROPOSED] ORDER THEREON**

1 WHEREAS, on June 29, 2010, Plaintiff Comite Civico del Valle, Inc. filed the complaint  
2 in the above-captioned matter against Defendants Lisa P. Jackson, in her official capacity as  
3 Administrator of the United States Environmental Protection Agency, and Jared Blumenfeld, in  
4 his official capacity as Regional Administrator for Region IX of the United States Environmental  
5 Protection Agency (collectively, "EPA"), alleging that EPA failed to fulfill a certain non-  
6 discretionary duty under the Clean Air Act, 42 U.S.C. §§ 7401-7671q, and that such alleged  
7 failure is actionable under section 304(a)(2) of the 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 90-day 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 entry of an order that:

- 21 1. Extends EPA's time for responding to the complaint to December 6, 2010;
- 22 2. Continues the parties' deadline to file a Case Management Statement to January  
23 19, 2011;
- 24 3. Continues the initial case management conference to January <sup>27</sup>~~26~~, 2011 at 2:00pm  
25 or a date and time thereafter set by the Court.

26 **COUNSEL FOR PLAINTIFFS:**

27 Dated: August 10, 2010

/s/ Richard Toshiyuki Drury (with permission)  
28 GIDEON KRACOV (SBN 179815)  
801 S. Grand Avenue, Ste. 1100  
Los Angeles, CA 90017

213.629.2071  
FAX 213.623.7755  
gk@gideonlaw.net

RICHARD TOSHIYUKI DRURY (SBN 163559)  
Lozeau | Drury LLP  
410 12<sup>th</sup> Street, Suite 250  
Oakland, CA 94607  
Telephone: (510) 836-4200  
FAX (510) 836-4205  
richard@lozeaudrury.com

**COUNSEL FOR DEFENDANTS:**

Dated: August 10, 2010

IGNACIA S. MORENO  
Assistant Attorney General  
Environment and Natural Resources Division

/s/ Michelle R. Lambert  
MICHELLE R. LAMBERT  
Trial Attorney  
United States Department of Justice  
Environmental Defense Section  
P.O. Box 23986  
Washington, D.C. 20026-3986  
Telephone: (202) 616-7501  
Fax: (202) 514-8865  
Email: michelle.lambert@usdoj.gov

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

Dated: 8/11/10

HON. PHYLLIS J. HAMILTON  
UNITED STATES DISTRICT COURT



1 **CERTIFICATE OF SERVICE**

2 On August 10, 2010, a true and correct copy of the foregoing Stipulation to Continue  
3 Answer and Initial Case Management Deadlines and [Proposed] Order was served electronically  
4 via the Court's e-filing system to Counsel of Record.

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6 /s/ Michelle R. Lambert  
7 MICHELLE R. LAMBERT

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