

1 SAM HIRSCH
Acting Assistant Attorney General
2 U.S. Department of Justice
3 Environment & Natural Resources Division

THE HONORABLE JEFFREY S. WHITE

4 SETH M. BARSKY, Chief
S. JAY GOVINDAN, Assistant Chief
5 ETHAN CARSON EDDY, Trial Attorney (Cal. Bar 237214)
Wildlife and Marine Resources Section
6 P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044
7 (202) 305-0202 (phone)
8 (202) 305-0275 (fax)
ethan.eddy@usdoj.gov

9 JOHN THOMAS H. DO, Trial Attorney
10 Environmental Defense Section
P.O. Box 7611, Ben Franklin Station
11 Washington, D.C. 20044
(202) 514-2593 (Phone); (202) 514-8865 (Fax)
12 john.do@usdoj.gov

13
14 *Attorneys for Defendants*

15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17)
18) OUR CHILDREN'S EARTH FOUNDATION and)
19) ECOLOGICAL RIGHTS FOUNDATION,)

Case No. 3:13-cv-2857-JSW

20) Plaintiffs,)

21) **STIPULATION TO STAY**
22) **PROCEEDINGS AND CONTINUE**
23) **HEARING; [PROPOSED] ORDER**

24) v.)

25) U.S. ENVIRONMENTAL PROTECTION)
26) AGENCY, et al.,)

27) Defendants.)
28)
29)
30)

1 Plaintiffs Our Children’s Earth Foundation and Ecological Rights Foundation (“Plaintiffs”)
2 and the Defendants in the above captioned matter (collectively, the “Parties”) hereby stipulate and
3 respectfully request of the Court an order staying all proceedings until August 18, 2014.

4 WHEREAS, on February 6, 2014, the Parties participated in Court-designated mediation
5 that resulted in an agreement in principle, subject to approval by the appropriate individuals at U.S.
6 Environmental Protection Agency and Department of Justice;

7 WHEREAS, the Parties have reduced their tentative agreement into a proposed consent
8 decree;

9 WHEREAS, additional time is needed to acquired the necessary approvals for the consent
10 decree from the Department of Justice;

11 WHEREAS, Defendants have a pending partial motion to dismiss set for hearing on July 11,
12 2014;

13 WHEREAS, a stay would serve judicial economy and the resources of the Parties and the
14 Court by potentially allowing for resolution of this case without litigation.

15 NOW THEREFORE, the parties respectfully request that the Court enter an order staying all
16 proceedings until August 18, 2014 and continuing the hearing for the motion to dismiss to a later
17 date.

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19 Respectfully submitted this 1st day of July, 2014.

20 SAM HIRSCH
21 Acting Assistant Attorney General
22 U.S. Department of Justice
Environment & Natural Resources Division

23 SETH M. BARSKY, Chief
24 S. JAY GOVINDAN, Assistant Chief
25 ETHAN CARSON EDDY, Trial Attorney
26 Wildlife and Marine Resources Section
27 P.O. Box 7611, Ben Franklin Station
28 Washington, D.C. 20044
(202) 305-0202 (Phone); (202) 305-0275 (Fax)

1 ethan.eddy@usdoj.gov

2 s/ John Thomas H. Do
3 JOHN THOMAS H. DO, Trial Attorney
4 Environmental Defense Section
5 P.O. Box 7611, Ben Franklin Station
6 Washington, D.C. 20044
7 (202) 514-2593 (Phone); (202) 514-8865 (Fax)
8 john.do@usdoj.gov

9 *Attorneys for Defendants*

10 s/ Christopher A. Sproul (as authorized)
11 CHRISTOPHER A. SPROUL
12 JODENE ISAACS
13 Environmental Advocates
14 5135 Anza Street
15 San Francisco, California 94121
16 Telephone: (415) 533-3376
17 Facsimile: (415) 358-5695
18 Email: csproul@enviroadvocates.com

19 *Attorneys for Plaintiffs*

20 **E-FILING ATTESTATION**

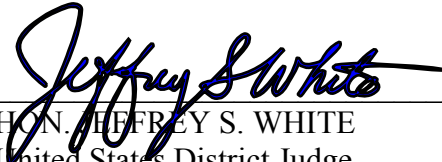
21 Pursuant to Civil Local Rule 5.1(i)(3), I attest that counsel for Plaintiffs has concurred in
22 the filing of this document.

23 s/ John Thomas H. Do
24 JOHN THOMAS H. DO
25 Counsel for Defendants

PROPOSED ORDER

The above STIPULATION TO STAY PROCEEDINGS is GRANTED. All proceedings shall be stayed until August 18, 2014. The hearing for the pending motion to dismiss is continued to September 5, 2014.

Dated: July 7, 2014



HON. JEFFREY S. WHITE
United States District Judge

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