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 10 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
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12 CALIFORNIANS FOR RENEWABLE
 13 ENERGY *et al.*,
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 Plaintiffs,
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 v.
 16 U.S. ENVIRONMENTAL PROTECTION
 17 AGENCY *et al.*,
 18
 Defendants.
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No. 4:15-cv-03292-SBA

**JOINT STATUS REPORT AND
 STIPULATED REQUEST TO EXTEND
 STAY PENDING SETTLEMENT
 NEGOTIATIONS**

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1 **JOINT STATUS REPORT**

2 Pursuant to the Court’s Order of September 15, 2015 [ECF No. 26], Plaintiffs,
3 CALifornians for Renewable Energy; Ashurst Bar/Smith Community Organization; Citizens for
4 Alternatives to Radioactive Dumping; Maurice and Jane Sugar Law Center for Economic and
5 Social Justice; Sierra Club; and Michael Boyd, and Defendants, the U.S. Environmental
6 Protection Agency (“EPA”) and Gina McCarthy, sued solely in her official capacity as
7 Administrator of the U.S. Environmental Protection Agency, submit this Joint Status Report
8 advising the Court of the status of their discussions and respectfully request a thirty-day
9 extension of the stay.

10 1. On July 15, 2015, Plaintiffs filed a Complaint in this Court asserting six claims
11 for relief against Defendants under the Administrative Procedure Act based on Title VI
12 complaints filed with EPA’s Office of Civil Rights. ECF No. 1. Beginning on August 19, 2015,
13 counsel for the parties began conferring by telephone and in writing regarding the possibility of
14 negotiating a resolution to this case and the underlying Title VI complaints. Pursuant to the
15 parties’ stipulated request, this Court on September 15, 2015 stayed proceedings for a period of
16 sixty (60) days to allow these discussions to continue without engaging in adversarial and
17 potentially burdensome litigation.

18 2. During the pendency of the stay, counsel for the parties have had discussions
19 regarding a potential framework for resolution of this litigation and the underlying Title VI
20 complaints. The parties have held multiple telephone conferences, and have exchanged
21 correspondence and information relevant to the administrative proceedings and proposals for
22 resolution of those proceedings and this litigation. The parties wish to continue those
23 discussions and believe that doing so while the litigation remains stayed for an additional period
24 of thirty (30) days would facilitate that process. In their original stipulated request, the parties
25 noted the possibility that an extension of the stay could be warranted, pending the parties’
26 discussions.

27 3. Accordingly, the parties respectfully request that the Court extend the stay,
28 currently in effect through November 16, 2015, through and including December 16, 2015.

1 While the stay is in effect, either party may, with prior notice of at least two business days to the
2 opposing party, request that the Court lift the stay should the requesting party believe that the
3 parties' discussions are no longer productive. A proposed order is attached.

4 4. At present, the Court has set the following deadlines:

- 5 • **December 3, 2015**, for the filing of a Joint Case Management Statement, *see*
6 ECF No. 27; and
- 7 • **December 10, 2015**, for holding an initial Case Management Conference, *see*
8 ECF No. 27.

9 The parties agree and request that these deadlines be held in abeyance during the pendency of the
10 requested extension of the stay. The parties further agree to submit, seven (7) days prior to the
11 expiration of the requested extension of the stay or seven (7) days after the requested stay is
12 lifted for any reason, a Second Joint Status Report advising the Court of the status of their
13 discussions.

14 5. To date, the stay presently in effect is the only previous time modification in this
15 case. The parties respectfully submit that, other than those dates discussed above, this stipulated
16 request will not alter the date of any event or any deadline already fixed by Court order.

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18 Dated: November 9, 2015.

Respectfully submitted,

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20 U.S. DEPARTMENT OF JUSTICE

21 BENJAMIN C. MIZER
22 Principal Deputy Assistant Attorney General
23 JOSHUA E. GARDNER
24 Assistant Branch Director

25 _____
26 */s/ Andrew Zee*

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Attorneys for Defendants

Dated: November 9, 2015.

Respectfully submitted,

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ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that I am the ECF user whose user ID and password are being used in the electronic filing of this document, and further attest that I have obtained the concurrence in the filing of the document from the other signatory.

/s/ Andrew Zee
M. ANDREW ZEE (CA Bar #272510)

1 **~~PROPOSED~~ ORDER**

2 Upon stipulation of the parties, and good cause appearing, the Court hereby orders that all
3 proceedings in this case shall be stayed for an additional period of thirty (30) days, through and
4 including December 16, 2015. All previously established case management deadlines shall be
5 held in abeyance during the pendency of this stay. The Court further orders that the parties shall
6 submit a Second Joint Status Report seven (7) days prior to the expiration of the stay or seven (7)
7 days after the requested stay is lifted for any reason advising the Court of the status of their
8 discussions.

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10 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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14 Dated: November 9, 2015



15 HON. SAUNDRA BROWN ARMSTRONG
16 United States District Court Judge
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