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12  
 13 IN THE UNITED STATES DISTRICT COURT  
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15	UNITED FARM WORKERS,	)	Case No. C 07-03950 JF
16	AFL-CIO, et al.,	)	
17		)	
18	Plaintiffs,	)	STIPULATED MOTION
19		)	TO ESTABLISH SCHEDULE TO
20	v.	)	PRODUCE ADMINISTRATIVE
21		)	RECORD AND STAY SUMMARY
22		)	JUDGMENT BRIEFING
23	ADMINISTRATOR,	)	
24	UNITED STATES	)	
25	ENVIRONMENTAL	)	
26	PROTECTION AGENCY,	)	
27	Defendant.	)	
28		)	

23 Pursuant to a stipulated order signed on July 10, 2008 (Docket No. 64), the Court  
 24 stayed the deadlines for production of the administrative record and summary judgment  
 25 briefing in this case pending resolution of plaintiffs' motion to compel EPA to produce a  
 26 complete administrative record and intervenor's motion to dismiss. On August 26, 2008,  
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28 NO. C-07-03950 JF  
 STIPULATED MOTION TO ESTABLISH SCHEDULE TO PRODUCE ADMINISTRATIVE RECORD AND STAY SUMMARY JUDGMENT  
 BRIEFING

1 the Court granted plaintiffs' motion to compel (Docket No. 67) and denied intervenor's  
2 motion to dismiss (Docket No. 66).

3 Pursuant to Local Rule 7-12, the parties now stipulate that, by November 7, 2008,  
4 EPA will produce a certified index of the complete administrative record for this case, a  
5 privilege log for those records EPA believes can be withheld from disclosure, and  
6 excerpts of the record agreed upon by the parties. The parties further stipulate that  
7 summary judgment briefing in this case be stayed until the Ninth Circuit issues a decision  
8 in a pending expedited case, United Farm Workers v. Administrator, EPA, No. 08-35528  
9 (9th Cir.), which involves similar jurisdictional issues to those raised by the intervenor in  
10 the instant case. Because the Court's Order denying intervenor's motion to dismiss  
11 provided that it could raise the issues again on summary judgment, the parties believe it is  
12 appropriate to await the Ninth Circuit's decision before proceeding to summary judgment  
13 in this case, except that nothing shall prevent any party from filing a motion for  
14 reconsideration of the Court's Order pending resolution of the Ninth Circuit litigation.  
15 The parties will submit a revised proposed schedule for summary judgment briefing  
16 within two weeks of the Ninth Circuit's ruling in United Farm Workers.

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20 Respectfully submitted this 9th day of September, 2008.

21 RONALD J. TENPAS  
22 Assistant Attorney General  
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PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 9/9/08



Honorable Jeremy Fogel  
United States District Judge