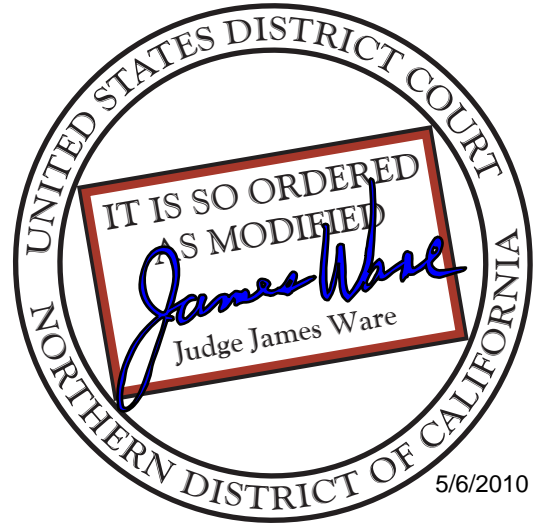


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9



12 UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

16 MISHEWAL WAPPO TRIBE OF ALEXANDER VALLEY,  
17 Plaintiff,  
18 v.  
19 KEN SALAZAR,  
20 Defendant.  
21

No. 5:09-cv-02502-JW

22 STIPULATION AND ~~PROPOSED~~ ORDER  
GRANTING PLAINTIFF LEAVE TO FILE  
FIRST AMENDED COMPLAINT

23 Date: N/A  
Time: N/A  
Courtroom No. N/A  
Hon. James Ware

1 Plaintiff Mishewal Wappo Tribe of Alexander Valley and Defendant Kenneth Salazar hereby  
2 stipulate as follows:

3 1. Subject to approval of this Stipulation by the Court, Plaintiff may file the First Amended  
4 Complaint submitted herewith as Attachment 1.

5 2. Upon approval of this Stipulation, Plaintiff will separately file the First Amended Com-  
6 plaint.

7 3. Defendant's obligation to plead in response to the First Amended Complaint is stayed  
8 pending continued settlement negotiations in this matter.

9 4. By joining this Stipulation, Defendant does not concede the validity of any claim or cause  
10 of action or the truth of any averment of fact. Defendant preserves all defences with respect to the pro-  
11 posed First Amended Complaint.

12  
13 SO STIPULATED:

14 FOR THE PLAINTIFF

15 DATED: May 3, 2010

16 /s/Joseph L. Kitto  
[Concurrence obtained per General Order 45.X]  
17 JOSEPH L. KITTO  
18 1801 Gibson Blvd. SE unit 1114  
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Email: KITTO@SOVSYS.NET

19 FOR THE DEFENDANT

20 DATED: May 3, 2010

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

22 /s/David B. Glazer  
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1 [PROPOSED] ORDER

2 Upon consideration of the foregoing Stipulation, good cause having been shown, it is hereby  
3 ORDERED that:

- 4 1. The Stipulation is approved;  
5 2. Plaintiff may file its proposed First Amended Complaint; and  
6 3. Defendant's obligation to plead in response to the First Amended Complaint is stayed  
7 pending continued settlement negotiations in this matter.

8  
9  
10 SO ORDERED.

11 The First Amended Complaint shall be filed as a separate docket entry on or before **May 11, 2010**.

12  
13 DATED: May 6, 2010

  
\_\_\_\_\_  
JAMES WARE  
UNITED STATES DISTRICT JUDGE

1 CERTIFICATE OF SERVICE

2 I, David B. Glazer, hereby certify that, on May 3, 2010, I caused the foregoing to be served upon  
3 counsel of record through the Court's electronic service system and upon additional counsel at the ad-  
4 dress below by U.S. Mail:

5 Kelly F. Ryan, Esq.  
6 Susan X. Romero, Esq.  
7 The Ryan Law Firm  
80 South Lake Avenue, Ste. 500  
Pasadena, California 91101

8  
9 I declare under penalty of perjury that the foregoing is true and correct.

10  
11  
12 Dated: May 3, 2010

/s/ David B. Glazer  
David B. Glazer