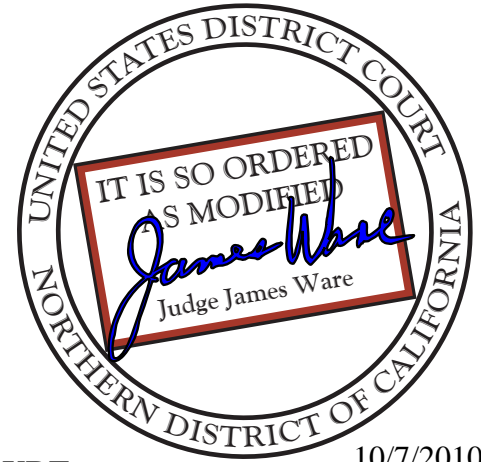


ANITA L. GRANT (State Bar No. 144603)
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Attorneys for the County of Lake



10/7/2010

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

MISHEWAL WAPPO TRIBE OF
ALEXANDER VALLEY,

Plaintiff,

v.

KENNETH SALAZAR, in his capacity as
Secretary of the Interior,

Defendant,

COUNTY OF LAKE, CALIFORNIA,

Intervenor-Defendant,

COUNTY OF NAPA, CALIFORNIA,

Intervenor-Defendant,

COUNTY OF SONOMA, CALIFORNIA,

Intervenor-Defendant.

Case No. 5:09-cv-02502-JW

Hon. James Ware

STIPULATION AND PROPOSED ORDER

1 Subject to approval of this Stipulation by the Court, Plaintiff Mishewal Wappo Tribe of
2 Alexander Valley, Defendant Kenneth Salazar, and Intervenor-Defendants County of Napa, County
3 of Sonoma, and County of Lake hereby stipulate the following:

4 1. The parties agree to extend the deadline date for mediation to January 31, 2011.

5 2. The parties shall appear for a hearing on the Intervenor-Defendants' Motions to Dismiss
6 on January 31, 2011, at 9:00 a.m.

7 3. In the event the court denies the Motions to Dismiss, in whole or in part, the parties shall
8 subsequently meet and confer on a proposed schedule for initial disclosures, discovery, and summary
9 judgment motions within fifteen (15) days after the court's entry of an order denying the Motions to
10 Dismiss. Within thirty (30) days after the conclusion of the meet and confer, the parties, either by
11 stipulation from the meet and confer or by noticed motion, shall request the court to enter an order
12 setting an initial disclosures, discovery, and summary judgment schedule.

13 SO STIPULATED:

14 FOR THE PLAINTIFF

15 DATED: October 5, 2010

16 /s/ Joseph L. Kitto
17 [Concurrence obtained per General Order 45.X]
18 JOSEPH L. KITTO
19 P.O. Box 819
20 Lower Lake, California 95457
21 Tel: (505) 977-3079
22 Email: KITTO@SOVSYS.NET

23 FOR THE DEFENDANT

24 DATED: October 5, 2010

25 IGNACIA S. MORENO
26 Assistant Attorney General
27 Environment & Natural Resources Division

28 /s/ David B. Glazer
[Concurrence obtained per General Order 45.X]
DAVID B. GLAZER
Natural Resources Section
Environment & Natural Resources Division
United States Department of Justice
301 Howard Street, Suite 1050
San Francisco, California 94105
Tel: (415) 744-6491
Fax: (415) 744-6476
E-mail: David.Glazer@usdoj.gov

FOR INTERVENTOR-DEFENDANT –
COUNTY OF NAPA

DATED: October 5, 2010

/s/ Thomas S. Capriola
THOMAS S. CAPRIOLA
County of Napa
Office of the County Counsel
1195 Third Street, Suite 301
Napa, CA 94559
(707) 259-8251
(707) 259-8220 (fax)
thomas.capriola@countyofnapa.org

FOR INTERVENTOR-DEFENDANT –
COUNTY OF Sonoma

DATED: October 5, 2010

/s/ Jeffrey M. Brax
JEFFREY M. BRAX
[Concurrence obtained per General Order 45.X]
County of Sonoma
Office of the Sonoma County Counsel
575 Administration Drive, Room 105A
Santa Rosa, CA 95402
(707) 565-2421
jbrax@sonoma-county.org

FOR INTERVENTOR-DEFENDANT –
COUNTY OF LAKE

DATED: October 5, 2010

/s/ Anita L. Grant
ANITA L. GRANT
[Concurrence obtained per General Order 45.X]
County of Lake
Office of County Counsel,
Courthouse 255 N. Forbes Street
Lakeport, CA 95453
707-263-2321
707-263-0702 (fax)
anitag@co.lake.ca.us

Dated: October 5, 2010

/s/ Anita L. Grant
ANITA L. GRANT, County Counsel
County of Lake

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Dated: October 5, 2010

/s/ Anita L. Grant
County of Lake
Office of the County Counsel
255 North Forbes Street
Lakeport, CA 94559
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(707) 263-0702 (fax)
anitag@co.lake.ca.us


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; and
5 2. The deadline for mediation is hereby extended to January 31, 2011; and
6 3. The hearings on the motions to dismiss and motions for summary judgment currently
7 scheduled for November 29, 2010 are cancelled; and
8 4. The Court continues the hearing on the Intervenor-Defendants' Motion to Dismiss from
9 November 29, 2010 to **February 14, 2011 at 9:00 AM**; and
10 5. In the event this court denies the Motions to Dismiss, in whole or in part, the parties shall
11 subsequently meet and confer on a proposed schedule for initial disclosures, discovery, and summary
12 judgment motions within fifteen (15) days after the court's entry of an order denying the Motions to
13 Dismiss. Within thirty (30) days after the conclusion of the meet and confer, the parties, either by
14 stipulation from the meet and confer or by noticed motion, shall request the court to enter an order
15 setting a schedule for initial disclosures, discovery, and summary judgment.

16 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

17 DATED: October 7, 2010

18 
19 JAMES WARE,
20 UNITED STATES DISTRICT JUDGE
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1 CERTIFICATE OF SERVICE

2 I, Anita L. Grant, hereby certify that, on October 5, 2010, I caused the foregoing to be served
3 upon counsel of record through the Court's electronic service system and upon additional counsel at
4 the address below by U.S. Mail:

5 Kelly F. Ryan, Esq.
6 Susan X. Romero, Esq.
7 The Ryan Law Firm
8 80 South Lake Avenue, Ste. 500
9 Pasadena, California 91101

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

11 Dated: October 5, 2010

12 /s/ Anita L. Grant
13 Anita L. Grant