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E-Filed 9/4/2009

11 Attorneys for Defendants

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

14 SIERRA CLUB, and the)
 15 CARMEL RIVER STEELHEAD ASSOCIATION,)

Civ. No. 09-2870-JF

16 Plaintiffs,)

17 v.)

18 STIPULATION FOR STAY
 19 OF FILING RESPONSIVE
 20 PLEADING; [~~PROPOSED~~] ORDER

21 CALIFORNIA AMERICAN WATER COMPANY,)
 22 d/b/a CALIFORNIA AMERICAN WATER,)

23 Defendant,)

Judge: Hon. Jeremy Fogel

24 and)

25 GARY LOCKE, SECRETARY OF THE)
 26 U.S. DEPARTMENT OF COMMERCE;)
 27 DR. JANE LUBCHENKO, ADMINISTRATOR)
 28 of the NATIONAL OCEANIC AND)
 29 ATMOSPHERIC ADMINISTRATION; and)
 30 RODNEY McINNIS, REGIONAL)
 31 ADMINISTRATOR, SOUTHWEST REGION,)
 32 NATIONAL MARINE FISHERIES SERVICE,)

33 Named as FRCP 19(a))
 34 Necessary Party Defendants.)

35 The Sierra Club and the Carmel River Steelhead Association (“Plaintiffs”), Gary Locke,
 36 Secretary of the U.S. Department of Commerce, Dr. Jane Lubchenko, Administrator of the
 37 National Oceanic and Atmospheric Administration, and Rodney McInnis, Regional
 38 Administrator of the Southwest Region, National Marine Fisheries Service (“Federal
 39 Defendants”), by and through their undersigned counsel hereby stipulate and state as follows:

40 WHEREAS, Plaintiffs commenced this action on June 25, 2009;

1 WHEREAS, Plaintiffs effected service upon Federal Defendants by delivery of summons
2 to the United States' Attorneys' Office for the Northern District of California on July 21, 2009;

3 WHEREAS, Defendant, California American Water Company has filed a motion to
4 dismiss this action, and the motion to dismiss is set to be heard on September 18, 2009 (Dkt. 21);

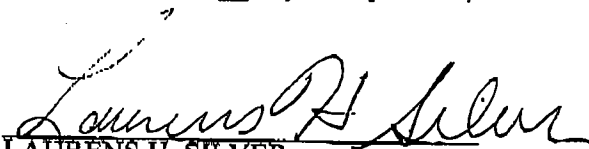
5 WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(2), Federal Defendants' responsive
6 pleading is due to be filed on September 21, 2009;

7 WHEREAS, Plaintiffs' Complaint contains no allegations or claims directed against
8 Federal Defendants; therefore

9 In an effort to conserve judicial resources, the parties hereby STIPULATE:

- 10 1. That Federal Defendants' obligation to file a responsive pleading is hereby stayed
11 until a ruling is issued on Defendant, California American Water Company's
12 motion to dismiss; and
- 13 2. Federal Defendants shall file a responsive pleading within 14 days of an order
14 from this Court denying Defendant, California American Water Company's
15 motion to dismiss; and
- 16 3. If Defendant California American Water Company's motion to dismiss is granted,
17 Federal Defendants need not file any responsive pleading.

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20 So stipulated this day of September, 2009.

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23 
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Attorney for Plaintiffs

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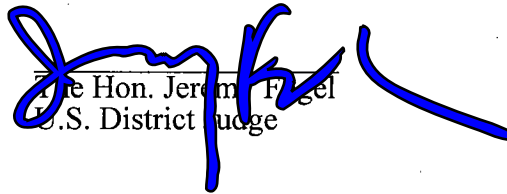
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1 **-[PROPOSED] ORDER**

2 Based on the foregoing, it is hereby ordered that Federal Defendants' time for filing a
3 responsive pleading is stayed until 14 days after a ruling denying Defendant California American
4 Water Company's motion to dismiss. If Defendant California American Water Company's
5 motion to dismiss is granted, Federal Defendants need not file a responsive pleading.

6 **IT IS SO ORDERED.**

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8 Dated: 9/4/2009

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The Hon. Jerome Fogel
U.S. District Judge

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