



Sierra Club et al v. McCarthy

2015 | Cited 0 times | N.D. California | September 23, 2015

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Against Toxics

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SIERRA CLUB and CALIFORNIA COMMUNITIES AGAINST TOXICS, Plaintiffs, v. GINA
McCARTHY, in her official capacity as Administrator of the United States Environmental Protection
Agency, Defendant.

Case No: 3:15-cv-01165-HSG

STIPULATED REQUEST FOR LEAVE TO FILE CORRECTED EXHIBITS TO REPLY BRIEF

Date: Oct. 1, 2015 Time: 2:00 PM Place: Courtroom 15, 18th Floor Judge: Haywood S. Gilliam, Jr. 1 2 3
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WHEREAS,

1. On September 18, 2015, Plaintiffs Sierra Club and California Communities Against Toxics filed “Plaintiffs’ Reply In Support Of Motion For Summary Judgment And Opposition To EPA’s Cross-Motion For Summary Judgment,” and a supporting declaration and exhibits. See DKT#36 to 36-10.
2. In that filing, Plaintiffs incorrectly numbered two exhibits and filed them in the wrong order. Specifically, the declaration of Panagiotis E. Tsirigotis (DKT#36-8) should have been filed as Exhibit 5, and the excerpts from the document titled “Responses to Significant Comments on the 2008 Proposed Rule on the National Ambient Air Quality Standards for Lead,” (DKT#36-7) should have



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been filed as Exhibit 6. The reply brief and other supporting documents do not require correction.

3. Pursuant to Local Rules 7-11 and 7-12, Plaintiffs request leave to make the corrections to DKT#36-7 and DKT#36-8 described in paragraph 2, above, and re-file the reply brief with the corrected supporting documents. No other changes would be made.

4. Plaintiffs have conferred with EPA, which does not object to Plaintiffs' request to correct the numbering of the two exhibits. THE PARTIES HEREBY STIPULATE TO GRANT PLAINTIFFS LEAVE TO RE- FILE THE REPLY BRIEF AND SUPPORTING DOCUMENTS WITH CORRECTED EXHIBITS.

DATED: September 22, 2015 Respectfully submitted,

/s/ Nicholas Morales NICHOLAS MORALES, Admitted Pro Hac Vice EMMA C. CHEUSE, Admitted Pro Hac Vice Earthjustice 1625 Massachusetts Ave., NW, Ste. 702 Washington, DC 20036 nmorales@earthjustice.org, echeuse@earthjustice.org Tel: 202-667-4500 Fax: 202-667-2356 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

PAUL R. CORT, State Bar No. 184336 Earthjustice 50 California Street San Francisco, CA 94111 pcort@earthjustice.org Tel: 415-217-2000 Fax: 415-217-2040 Attorneys for Plaintiffs Sierra Club and California Communities Against Toxics JOHN C. CRUDEN Assistant Attorney General Environment and Natural Resources Division /s/ Leslie M. Hill (email authorization 09/22/2015) LESLIE M. HILL (D.C. Bar No. 476008) U.S. Department of Justice Environment & Natural Resources Division Environmental Defense Section 601 D Street N.W., Suite 8000 Washington D.C. 20004 leslie.hill@usdoj.gov Telephone (202) 514-0375 Facsimile (202) 514-8865 Attorneys for Defendant Of counsel: Paul Versace Office of General Counsel U.S. Environmental Protection Agency 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

ORDER Good cause having been shown, the Stipulation is approved. Leave is granted for Plaintiffs to file a corrected reply brief and supporting declaration and exhibits.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 23, 2015 _____ HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE

