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5 Attorneys for Plaintiffs
6 NORTH COAST RIVERS ALLIANCE, a non-profit, unincorporated
association, FRANK EGGER, TIMOTHY WILCOX, in his own behalf
7 and on behalf of his 1-year old son, JACK WILCOX, KRISTA MARIE
ALONGI ARON, on her own behalf and on behalf of her minor daughter
8 NORA ARON, SANDIE SCHMAIER, SHARON LUEHS, GAYLE
McLAUGHLIN, WHITNEY MERCHANT, ROBERT LIEBER,
9 MICHAEL LYNBERG, and TONY MADRIGAL

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 NORTH COAST RIVERS ALLIANCE, a non-profit,
unincorporated association, FRANK EGGER,
13 TIMOTHY WILCOX, in his own behalf and on behalf of
his 1-year old son, JACK WILCOX, KRISTA MARIE
14 ALONGI ARON, on her own behalf and on behalf of her
minor daughter NORA ARON, SANDIE SCHMAIER,
15 SHARON LUEHS, GAYLE McLAUGHLIN,
WHITNEY MERCHANT, ROBERT LIEBER,
16 MICHAEL LYNBERG, and TONY MADRIGAL,

17 Plaintiffs,

18 v.

19 LISA P. JACKSON, Administrator, United States
20 Environmental Protection Agency, and the UNITED
STATES ENVIRONMENTAL PROTECTION
21 AGENCY,

22 Defendants.

CASE NO.: 08-05328-SBA

**PLAINTIFFS' MOTION TO FILE
SUPPLEMENTAL OPPOSITION
TO DEFENDANTS'
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL LIMITED
PORTIONS OF THE ANSWER;
DECLARATION OF COUNSEL**

AND

[PROPOSED] ORDER

Date: April 7, 2009

Time: 1:00 p.m.

Judge: Hon. Sandra B. Armstrong

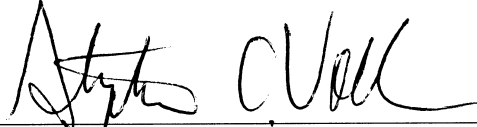
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24 Pursuant to Local Civil Rule 7-3(d) which directs that "once a reply is filed, no additional
25 memoranda . . . may be filed without prior Court approval," plaintiffs respectfully move this Court for
26 leave to file the attached proposed Supplemental Memorandum in Opposition to Defendants'
27 Administrative Motion to File Under Seal Limited Portions of the Answer. The grounds for this motion
28 are that defendants' motion raises significant issues for which additional authorities not yet presented to

1 the Court are pertinent. Due to the short (3-day) period provided for plaintiffs' opposition to
2 defendants' motion under Local Rule 7-11, plaintiffs did not have an opportunity to research and
3 present these additional authorities to the Court in their initial opposition. Plaintiffs' counsel has
4 discussed this submittal with counsel for defendants, as reflected in the parties' Joint Case Management
5 Conference Statement, which provides for the filing of this motion today, February 27, 2009.

6 Accordingly, plaintiffs respectfully request leave of this Court to submit the attached Plaintiffs'
7 Supplemental Opposition to Defendants' Administrative Motion to File Under Seal Limited Portions of
8 the Answer.

9 Dated: February 27, 2008

Respectfully submitted,

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12 STEPHAN C. VOLKER
13 Attorneys for Plaintiffs NORTH COAST RIVERS
14 ALLIANCE, et al.

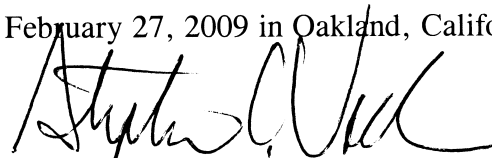
14 **DECLARATION OF COUNSEL**

15 I, Stephan C. Volker, hereby declare:

16 1. On February 25, 2009, I discussed plaintiffs' intent to file this motion with counsel
17 for defendants Rochelle Russell. Ms. Russell did not object to plaintiffs' proposal to schedule the
18 submission of this motion for February 27, 2009. Ms. Russell did indicate that she would be
19 unavailable to review and prepare potential opposition to this supplemental memorandum on Monday
20 and Tuesday, March 2 and 3, due to other court-mandated commitments.

21 2. Plaintiffs have no opposition to affording defendants' counsel additional time in which
22 to prepare a response to plaintiffs' supplemental opposition, in view of the fact that their counsel is
23 not available to review and prepare a potential response to this supplemental opposition on March 2
24 and 3, 2009.

25 I declare under penalty of perjury that the foregoing facts are true and correct of my personal
26 knowledge, and that this declaration was executed on February 27, 2009 in Oakland, California.

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28 _____
STEPHAN C. VOLKER

1 **[PROPOSED] ORDER**

2 The motion of plaintiffs for an order allowing the filing of Plaintiffs' Supplemental Opposition
3 to Defendants' Administrative Motion to File Under Seal Limited Portions of the Answer is hereby
4 GRANTED.

5 IT IS SO ORDERED.

6
7 Dated: _____

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10 HON. SAUNDRA BROWN ARMSTRONG
11 JUDGE OF THE UNITED STATES DISTRICT
12 COURT
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