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17 UNITED STATES DISTRICT COURT  
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

19 SIERRA CLUB, et al., ) Case No. 3:08-cv-01409-WHA  
20 )  
Plaintiffs, )  
21 v. ) STIPULATED MOTION FOR LEAVE  
) TO FILE SURREPLY; ~~[PROPOSED]~~  
22 STEPHEN JOHNSON, et al., ) ORDER  
)  
23 Defendants, )  
24 and )  
)  
25 SUPERFUND SETTLEMENTS PROJECT, et al., )  
)  
26 Defendant-Intervenors. )

27  
28 STIPULATED MOTION FOR LEAVE TO FILE SURREPLY;  
~~[PROPOSED]~~ ORDER (Case No. 3:08-cv-01409-WHA)

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1 Pursuant to Civil L.R. 7-12, plaintiffs, Sierra Club et al., hereby files this Stipulated Motion  
2 for Leave to File a Surreply to the Defendant's Reply in Support of Counter-Motion for Summary  
3 Judgment, filed December 19, 2008. Plaintiffs request leave to file this Surreply (attached as  
4 Exhibit 1) for the limited purpose of addressing two recent Ninth Circuit cases that were decided  
5 after the filing of Plaintiffs' Reply Memorandum in Support of its Motion for Summary Judgment.  
6 Federal defendants relied on both cases in their Reply.

7 Respectfully submitted this 5<sup>th</sup> day of January, 2009.

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9  
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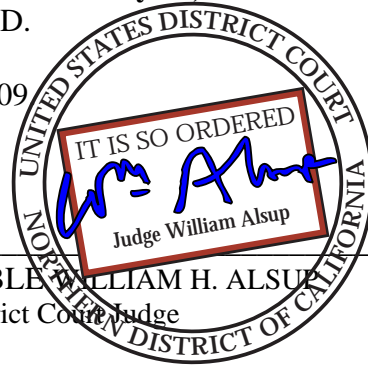
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~~PROPOSED~~ ORDER GRANTING PLAINTIFFS  
LEAVE TO FILE SURREPLY

The hearing for the motions for summary judgment will be on **January 22, 2009 at 8:00 A.M.**  
PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED this 7th day of January, 2009



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THE HONORABLE WILLIAM H. ALSUP  
United States District Court Judge

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