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 THE REGENTS OF THE
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14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16

17 THE REGENTS OF THE UNIVERSITY OF
 18 CALIFORNIA, a California public
 corporation,

19 Plaintiff,

20 v.

21 FEDERAL EMERGENCY MANAGEMENT
 22 AGENCY, a federal government entity;
 ROBERT J. FENTON, JR., in his official
 23 capacity; JEFFREY D. LUSK, in his official
 capacity; CALIFORNIA OFFICE OF
 24 EMERGENCY SERVICES, a California
 public agency; and MARK S.
 25 GHILARDUCCI, in his official capacity,

26 Defendants.

Case No. 17-cv-03461-LB

STIPULATION AND ~~PROPOSED~~
ORDER ON EAST BAY
REGIONAL PARKS DISTRICT'S
MOTION TO INTERVENE

Motion Date:	December 14, 2017
Motion Time:	9:30 a.m.
Place:	Courtroom C
Judge:	Hon. Laurel Beeler
Trial Date:	July 12, 2018

1 **INTRODUCTION**

2 This Stipulation is entered into by and among the parties to this action and proposed
3 defendant-intervenor the East Bay Regional Park District (“Park District”), by and through their
4 respective counsel.

5 **RECITALS**

6 A. The Regents of the University of California filed a Complaint for Declaratory and
7 Injunctive Relief (“Complaint”) in this action on June 14, 2017 [ECF Docket No. 1].

8 B. Defendants the Federal Emergency Management Agency (“FEMA”), William B.
9 “Brock” Long, in his official capacity as the Administrator of FEMA, Robert J. Fenton, Jr., in his
10 official capacity as Regional Administrator of FEMA Region IX, and Jeffrey D. Lusk, in his
11 official capacity as the Director of the Mitigation Division of FEMA, Region IX (collectively,
12 “Federal Defendants”) served and filed their Answer to Complaint on August 17, 2017 [ECF
13 Docket No. 15].

14 C. Defendant Mark S. Ghilarducci, in his official capacity as Director of the California
15 Governor’s Office of Emergency Services (“Cal-OES”), served and filed an answer to the
16 Complaint on September 5, 2017 [ECF Docket No. 31].

17 D. On September 21, 2017, Hills Conservation Network (“HCN”) filed a motion to
18 intervene as a defendant in this action [ECF Docket No. 35], on the ground that this action
19 threatens HCN’s interest in a settlement agreement (“Settlement Agreement”) it reached with
20 FEMA in an earlier lawsuit.

21 E. On October 24, 2017, the Park District filed a motion to intervene as a defendant in
22 this action [ECF Docket No. 49], on the grounds that this action threatens the Park District’s
23 interest in the Settlement Agreement and the grant funding for the Park District that was approved
24 by the Amended Record of Decision challenged in this action.

25 F. The Court ruled on HCN’s motion to intervene and granted permissive
26 intervention, subject to certain conditions [ECF Docket No. 51].

27 G. In the interests of judicial economy and avoiding unnecessary motion practice, the
28 parties submit this Stipulation to resolve the Park District’s pending motion to intervene.

~~PROPOSED~~ ORDER

The Court has reviewed the parties' Stipulation, filed in response to the East Bay Regional Park District's ("Park District") Motion to Intervene [ECF Docket No. 49]. Based on the Stipulation, and for good cause shown, the Court orders as follows:

1. The December 14, 2017 hearing on the Park District's Motion to Intervene is advanced and vacated.

2. The Park District is hereby granted permissive intervention as a defendant, subject to the following conditions: (1) the Park District cannot raise or file any new claims in this case, but may make arguments overlooked or not emphasized by other defendants; (2) the Park District is precluded from seeking discovery or supplementation of the administrative record; and (3) all parties shall bear their own costs and fees regarding the Park District's participation in this action.

3. The Park District shall file and serve an answer to the Complaint for Declaratory and Injunctive Relief within five (5) days of entry of this Order.

4. This Order disposes of ECF Docket No. 49.

IT IS SO ORDERED.

Dated: November 7, 2017



HONORABLE LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE

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