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12	Attorneys for Plaintiff THE REGENTS OF THE			
13	UNIVERSITY OF CALIFORNIA			
14	LINITED STATES	DISTRICT COURT		
15	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
16	NORTHERN DISTR	ICT OF CALIFORNIA		
17	THE REGENTS OF THE UNIVERSITY OF	Case No. 17-cv-03461-	I R	
18	CALIFORNIA, a California public corporation,	STIPULATION AND		
19	Plaintiff,	ORDER ON EAST BAREGIONAL PARKS	AY	
20	V.	MOTION TO INTER		
21	FEDERAL EMERGENCY MANAGEMENT	Motion Date:	December 14, 2017	
22	AGENCY, a federal government entity; ROBERT J. FENTON, JR., in his official	Motion Time: Place:	9:30 a.m. Courtroom C	
23	capacity; JEFFREY D. LUSK, in his official capacity; CALIFORNIA OFFICE OF	Judge: Trial Date:	Hon. Laurel Beeler July 12, 2018	
24	EMERGENCY SERVICES, a California public agency; and MARK S.	Tital Date.	July 12, 2016	
25	GHILARDUCCI, in his official capacity,			
26	Defendants.			
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28				

17-cv-03461-LB

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INTRODUCTION

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

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RECITALS

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

- В. Defendants the Federal Emergency Management Agency ("FEMA"), William B. "Brock" Long, in his official capacity as the Administrator of FEMA, Robert J. Fenton, Jr., in his official capacity as Regional Administrator of FEMA Region IX, and Jeffrey D. Lusk, in his official capacity as the Director of the Mitigation Division of FEMA, Region IX (collectively, "Federal Defendants") served and filed their Answer to Complaint on August 17, 2017 [ECF Docket No. 15].
- C. Defendant Mark S. Ghilarducci, in his official capacity as Director of the California Governor's Office of Emergency Services ("Cal-OES"), served and filed an answer to the Complaint on September 5, 2017 [ECF Docket No. 31].
- D. On September 21, 2017, Hills Conservation Network ("HCN") filed a motion to intervene as a defendant in this action [ECF Docket No. 35], on the ground that this action threatens HCN's interest in a settlement agreement ("Settlement Agreement") it reached with FEMA in an earlier lawsuit.
- E. On October 24, 2017, the Park District filed a motion to intervene as a defendant in this action [ECF Docket No. 49], on the grounds that this action threatens the Park District's interest in the Settlement Agreement and the grant funding for the Park District that was approved by the Amended Record of Decision challenged in this action.
- F. The Court ruled on HCN's motion to intervene and granted permissive intervention, subject to certain conditions [ECF Docket No. 51].
- G. In the interests of judicial economy and avoiding unnecessary motion practice, the parties submit this Stipulation to resolve the Park District's pending motion to intervene.

1 **STIPULATION** 2 The parties hereby stipulate and agree, through their respective counsel, as follows: 3 1. No opposition shall be filed to the Park District's motion to intervene. 4 2. All parties to the action agree that the Park District may be granted permissive 5 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 6 7 other defendants; (2) the Park District is precluded from seeking discovery or supplementation of 8 the administrative record; and (3) all parties shall bear their own costs and fees regarding the Park 9 District's participation in this action. 3. 10 The parties respectfully request that the Proposed Order submitted herewith be entered, and the December 14, 2017 hearing on the Park District's motion to intervene be 11 12 advanced and vacated. 13 IT IS SO STIPULATED. 14 Concurrence in the content and filing of this Stipulation has been obtained from all 15 signatories. 16 17 DATED: November 7, 2017 MEYERS, NAVE, RIBACK, SILVER & WILSON 18 By: 19 SHIRAZ D. TANGRI Attorneys for Plaintiff 20 THE REGENTS OF THE 21 UNIVERSITY OF CALIFORNIA 22 DATED: November 7, 2017 JEFFREY H. WOOD 23 Acting Assistant Attorney General Environment & Natural Resources Division 24 25 By: 26 **ELIZABETH YU** Senior Counsel 27 Attorney for Federal Defendants 28 17-cv-03461-LB

STIPULATION AND ORDER ON EBRPD'S MOTION TO INTERVENE

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1	DATED: November 7, 2017	XAVIER BECERRA
2		Attorney General of California GAVIN G. McCABE
3		Supervising Deputy Attorney General
4		By: /S/
5		DANIEL S. HARRIS
6		Deputy Attorney General Attorneys for Defendant
7		MARK S. GHILARDUCCI In his official capacity as Director of California
8		Governor's Office of Emergency Services
9		
10		
11	DATED: November 7, 2017	LOZEAU DURY LLP
12		D (9.)
13		By: /S/ MICHAEL R. LOZEAU
14		Attorneys for Defendant HILLS CONSERVATION NETWORK
15		
16		
17	DATED: November 7, 2017	SHUTE, MIHALY & WEINBERGER LLP
18		
19		By: /S/
20		TAMARA S. GALANTER Attorneys for Proposed Defendant-Intervenor
21		EAST BAY REGIONAL PARK DISTRICT
22		
23		
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26		
27		
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	STIPLIL ATION AN	4 17-cv-03461-LE D ORDER ON EBRPD'S MOTION TO INTERVENE

1	PROPOSED ORDER				
2	The Court has reviewed the parties' Stipulation, filed in response to the East Bay Regiona				
3	Park District's ("Park District") Motion to Intervene [ECF Docket No. 49]. Based on the				
4	Stipulation, and for good cause shown, the Court orders as follows:				
5	1. The December 14, 2017 hearing on the Park District's Motion to Intervene is				
6	advanced and vacated.				
7	2. The Park District is hereby granted permissive intervention as a defendant, subjec				
8	to the following conditions: (1) the Park District cannot raise or file any new claims in this case				
9	but may make arguments overlooked or not emphasized by other defendants; (2) the Park Distric				
0	is precluded from seeking discovery or supplementation of the administrative record; and (3) all				
1	parties shall bear their own costs and fees regarding the Park District's participation in this action.				
2	3. The Park District shall file and serve an answer to the Complaint for Declaratory				
3	and Injunctive Relief within five (5) days of entry of this Order.				
4	4. This Order disposes of ECF Docket No. 49.				
5	IT IS SO ORDERED.				
6					
7	Dated: November 7, 2017				
8	HONORABLE LAUREL BEELER				
9	UNITED STATES MAGISTRATE JUDGE				
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