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MERIDIAN GOLD COMPANY, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING PROTECTION
ALLIANCE, a non-profit corporation,

Plaintiff,

vs.

MERIDIAN GOLD COMPANY, a corporation

Defendant.

) Case No.: 1:06-cv-00023-REC-LJO

)
) **STIPULATION AND ORDER VACATING**
) **SCHEDULING CONFERENCE AND**
) **EXTENDING DEADLINE FOR**
) **ANSWERING COMPLAINT**



WHEREAS, on June 1, 2005, Plaintiff California Sportfishing Protection Alliance (“CSPA”) provided to Defendant Meridian Gold Company, Inc. and its related or affiliated entities, including Meridian Beartrack Company (collectively “Meridian”) a written notice of alleged violations of the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 to 1387 (also known as the “Clean Water Act”), California Health and Safety Code, § 25249.5 (also known as “Proposition 65”), and Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 to 6692 (“RCRA”), and the General Permit arising from Meridian’s operation of the Royal Mountain King Mine, located at 4461 Rock Creek Road near the City of Copperopolis, California. In this June 1, 2005 Notice Letter, CSPA notified Meridian of CSPA’s intention to file suit against Meridian regarding these alleged violations. The CSPA Notice Letter was sent to the Administrator of the United States Environmental Protection Agency (“EPA”); the Administrator of EPA Region IX; the Executive Director of the State Water Resources Control Board (“State Board”); the Executive Officer of the Regional Water Quality Control Board, Central Valley Region (“Regional Board”); and to Meridian, pursuant to Section 505 of the Clean Water Act, 33 U.S.C. § 1365, Cal. Health & Safety Code § 25249.7(d)(1), and 42 U.S.C. § 6972(b)(2)(A) of RCRA.

WHEREAS, on January 6, 2006, CSPA filed a Complaint against Meridian in the United States District Court, Eastern District of California, alleging violations of the Clean Water Act, Proposition 65 and the General Permit.

WHEREAS, on April 6, 2006, CSPA filed a First Amended Complaint (“Complaint”) against Meridian in the United States District Court, Eastern District of California, alleging violations of the RCRA in addition to the existing allegations.

WHEREAS, on April 11, 2006, CSPA served the First Amended Complaint, Order Setting Mandatory Scheduling Conference and related materials upon Meridian.

WHEREAS, Meridian denies CSPA’s allegations that it has violated the CWA, Proposition 65, RCRA and/or the General Permit and denies that it has any liability whatsoever to CSPA.

WHEREAS, on April 11, 2006, CSPA and Meridian reached a full settlement that is embodied in a Consent Agreement and Order (“Consent Agreement”), which resolves this litigation and all of the claims raised in CSPA’s Complaint and First Amended Complaint.

WHEREAS, on April 7, 2006, CSPA submitted the First Amended Complaint to the United States Department of Justice pursuant to 40 C.F.R. § 135.4, and on April 13, 2006, CSPA submitted the proposed Consent Agreement to the United States Department of Justice for the 45-day statutory review period, pursuant to 33 U.S.C. § 1365(c).

WHEREAS, on April 11, 2006, CSPA submitted the First Amended Complaint to the Attorney General of the State of California, and on April 13, 2006, CSPA submitted the proposed Consent Agreement to the Attorney General of the State of California, pursuant to the reporting requirement of Cal. Health & Safety Code § 25249.7.

WHEREAS, by April 21, 2006, CSPA will be filing an unopposed motion with this Court seeking approval of the proposed Consent Agreement in conformance with the applicable federal and state laws on which it is based, and CSPA anticipates that the Court’s decision on the motion can occur by June 1, 2006.

WHEREAS, because a settlement has been reached and embodied in a proposed Consent Agreement, there appears to be no purpose to require Meridian to respond to the

First Amended Complaint or for the Parties and the Court to hold the Mandatory Scheduling Conference.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE PARTIES TO THIS ACTION, BY AND THROUGH THEIR RESPECTIVE COUNSEL, THAT:

1. The Scheduling Conference currently set before Magistrate Judge Lawrence J. O'Neill on May 3, 2006, at 8:30 a.m. in Courtroom 8, shall be vacated.
2. The April 26, 2006 deadline for the Parties to file a Joint Scheduling Report shall be vacated.
3. The deadline for Meridian to answer Plaintiff's First Amended Complaint shall be extended to July 31, 2006.

Dated: April __, 2006

GOLDSTEIN, DEMCHAK, BALLER, BORGEN
& DARDARIAN

By: _____
Linda M. Dardarian

Attorneys for California Sportfishing Protection
Alliance

Dated: April __, 2006

FARELLA, BRAUN & MARTEL LLP

By: _____
Paul P. "Skip" Spaulding, III
David J. Lazerwitz
Attorneys for Meridian Gold Company, Inc.

ORDER

The provisions of the foregoing stipulation are hereby approved, and
PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The Scheduling Conference currently set before Magistrate Judge Lawrence J. O'Neill on May 3, 2006, at 8:30 a.m. in Courtroom 8, is vacated.
2. The April 26, 2006 deadline for the Parties to file a joint scheduling report is vacated.

3. The deadline for Meridian to answer Plaintiff's First Amended Complaint is extended to July 31, 2006.

IT IS SO ORDERED.

Dated: April 19, 2006

/s/ Lawrence J. O'Neill

66h44d

UNITED STATES MAGISTRATE JUDGE