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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

OUR CHILDREN'S EARTH  
FOUNDATION and ECOLOGICAL  
RIGHTS FOUNDATION,

Plaintiff,

vs.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY and MICHAEL  
LEAVITT, as Administrator of the United  
States Environmental Protection Agency,

Defendant.

Case No. C 04-2132 PJH

**INTERVENOR-DEFENDANT AMSA'S  
PROPOSED ORDER**

**Hearing:**

**Date:** May 11, 2005

**Time:** 9:00 a.m.

Upon consideration of the motion and cross-motions for summary judgment on Plaintiffs' First, Second, and Fourth Claims for Relief, it is hereby ordered that Plaintiffs' motion is denied and the cross-motions filed by Defendants and Intervenor-Defendants are granted. Judgment shall be entered in favor of Defendants and Intervenor-Defendants on the First, Second, and Fourth Claims for Relief.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE PHYLLIS J. HAMILTON  
UNITED STATES DISTRICT COURT JUDGE