

1 Barbara J. Parker (SBN 69722)
City Attorney
2 Otis McGee, Jr. (SBN 71885)
Chief Assistant City Attorney
3 Colin Troy Bowen (SBN 152489)
Supervising Deputy City Attorney
4 OAKLAND CITY ATTORNEY
One Frank Ogawa Plaza, 6th Floor
5 Oakland, CA 94612
Tel: 510.238.3601 Fax: 510.238.6500

6 Kevin D. Siegel (SBN 194787)
E-mail: ksiegel@bwslaw.com
7 Gregory R. Aker (SBN 104171)
E-mail: gaker@bwslaw.com
8 Timothy A. Colvig (SBN 114723)
E-mail: tcolvig@bwslaw.com
9 Amy E. Hoyt (SBN 149789)
E-mail: ahoyt@bwslaw.com
10 BURKE, WILLIAMS & SORENSEN LLP
11 1901 Harrison Street, Suite 900
Oakland, CA 94612-3501
12 Tel: 510.273.8780 Fax: 510.839.9104

13 Attorneys for Defendant
CITY OF OAKLAND
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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 OAKLAND BULK & OVERSIZED
20 TERMINAL, LLC,

21 Plaintiff,

22 v.

23 CITY OF OAKLAND,

24 Defendant.

25 SIERRA CLUB and SAN FRANCISCO
BAYKEEPER,

26 Defendant-Intervenors.
27
28

Case No. 3:16-cv-07014-VC

**CITY OF OAKLAND'S NOTICE
OF APPEAL**

Trial Date: January 16, 2018
Ctrm.: No. 2, 17th Floor
Judge: Honorable Vince
Chhabria

1 Defendant City of Oakland (City) hereby appeals to the Ninth Circuit Court
2 of Appeals from the Judgment entered on May 23, 2018, ECF Dkt. No. 255, a true
3 and correct copy of which is attached as Exhibit A to this Notice. The City's appeal
4 from the Judgment incorporates all prior orders and rulings, including the Findings
5 of Fact and Conclusions of Law dated May 15, 2108, ECF Dkt. No. 249, a copy of
6 which is attached as Exhibit B to this Notice. In compliance with Circuit Rule 3-
7 2(b), the Representation Statement identifying all parties and their counsel is
8 attached to this Notice as Exhibit C.

9
10 Dated: June 13, 2018

BURKE, WILLIAMS & SORENSEN LLP

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12 By: /s/ Amy E. Hoyt
13 Amy E. Hoyt
14 Attorneys for Defendant
15 CITY OF OAKLAND
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PROOF OF SERVICE

I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 1901 Harrison Street, Suite 900, Oakland, CA 94612.

On **June 13, 2018**, I served the following document(s): **CITY OF OAKLAND'S NOTICE OF APPEAL** on the interested parties in this action by placing a true and correct copy of such document, enclosed in a sealed envelope, addressed as follows:

SERVICE LIST
(Update: 06-12-18)
Oakland Bulk & Oversized Terminal, LLC v. City of Oakland, et al.
USDC Case No.: 3:16-cv-07014-VC
(#05684-0033)

COUNSEL:	REPRESENTING:
Robert P. Feldman (SBN 69602) David E. Myre (SBN 304600) Eliyahu Ness (SBN 311054) QUINN EMANUEL URQUHART & SULLIVAN, LLP 555 Twin Dolphin Drive, 5th Floor Redwood Shores, CA 94065-2139	Attorneys for Plaintiff OAKLAND BULK & OVERSIZE TERMINAL, LLC TEL : 650.801.5000 FAX : 650.801.5100 Email : bofeldman@quinnemanuel.com davidmyre@quinnemanuel.com eliness@quinnemanuel.com
Meredith M. Shaw (SBN 284089) QUINN EMANUEL URQUHART & SULLIVAN, LLP 50 California Street, 22 nd Floor San Francisco, CA 94111	Attorneys for Plaintiff OAKLAND BULK & OVERSIZE TERMINAL, LLC TEL : 415.875.6600 FAX : 415.875-6700 Email : meredithshaw@quinnemanuel.com
John S. Gordon (SBN 112750) QUINN EMANUEL URQUHART & SULLIVAN, LLP 860 So. Figueroa Street, 10 th Floor Los Angeles, CA 90017	Attorneys for Plaintiff OAKLAND BULK & OVERSIZE TERMINAL, LLC TEL : 213.443.3000 FAX : 213.443.3100 Email : johnsgordon@quinnemanuel.com
Colin O'Brien (SBN 309413) Adrienne Bloch (SBN 215471) Heather M. Lewis (SBN 291933) Marie Elizabeth Logan (SBN 308228) EARTHJUSTICE 50 California Street, Suite 500 San Francisco, CA 94111	Attorneys for Defendants-Intervenors SIERRA CLUB AND SAN FRANCISCO BAYKEEPER TEL : 415.217-2000 FAX : 415.217.2040 Email : cobrien@earthjustice.org

COUNSEL:	REPRESENTING:
	abloch@earthjustice.org hlewis@earthjustice.org mlogan@earthjustice.org
Jessica Yarnall Loarie (SBN 252282) Joanne Spalding (SBN 169560) SIERRA CLUB 2101 Webster Street, Suite 1300 Oakland, CA 94612	Attorneys for Defendants-Intervenors SIERRA CLUB TEL : 415.977.5636 FAX : 510.208.3140 Email: Jessica.yarnall@sierraclub.org Joanne.spalding@sierraclub.org
Daniel P. Selmi (SBN 67481) 919 Albany Street Los Angeles, CA 90015	Attorneys for Defendants-Intervenors SIERRA CLUB TEL : 949.922.7926 FAX : 510.208.3140 Email : DSelmi@aol.com
James M. Finberg (SBN 114850) Stacey M. Leyton (SBN 203827) Andrew Kushner (SBN 316035) ALTSHULER BERZON LLP 177 Post Street, Suite 300 San Francisco, CA 94108	Attorneys for Defendants-Intervenors SIERRA CLUB TEL : 415.421.7151 FAX : 415.362.8064 Email: jfinberg@altshulerberzon.com sleyton@altshulerberzon.com akushner@altshulerberzon.com

(X) **BY COURT CASE MANAGEMENT/ ELECTRONIC CASE FILES (CM/ECF) SYSTEM**, By submitting the document listed above as a Portable Document Format (PDF), by uploading an electronic version via CM/ECF System case filing which automatically generates a Notice of Electronic Filing or NEF which allows recipients to retrieve the document(s) automatically, pursuant to the Court's Administrative Order Regarding Electronic Filing. I certify that said transmission was completed and that all pages contained therein were received. [CRC, Rule 2.250(5) and 2.253(a)]

Executed **June 13, 2018**, Oakland, California.

(X) **(Federal)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Lesley E. Neil

LESLEY E. NEIL