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5 Attorneys for Plaintiff  
 6 SAVE STRAWBERRY CANYON,  
 a non-profit California public benefit corporation  
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 8

9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 11

12 SAVE STRAWBERRY CANYON, a non-  
 profit California public benefit corporation,

14 Plaintiff,

15 v.  
 16

17 STEVEN CHU, Secretary of the United  
 States Department of Energy; AUNDRA  
 18 RICHARDS, Site Office Manager, United  
 States Department of Energy Berkeley Site  
 19 Office; and UNITED STATES  
 DEPARTMENT OF ENERGY, a federal  
 20 agency,

21 Defendants.  
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Civ. No. CV 10-00797 VRW

**NOTICE OF APPEAL OF  
 PLAINTIFF/APPELLANT SAVE  
 STRAWBERRY CANYON TO COURT  
 OF APPEALS FOR THE NINTH  
 CIRCUIT**

Honorable Vaughn R. Walker

Judgment entered: December 17, 2010

1 PLEASE TAKE NOTICE that plaintiff Save Strawberry Canyon, a non-profit California  
2 public benefit corporation, hereby appeals to the United States Court of Appeals for the Ninth  
3 Circuit, pursuant to 28 U.S.C. section 1291 and Rule 3(a), Federal Rules of Appellate Procedure,  
4 from the District Court's Judgment and Order Granting Defendants' and Intervenor's Motion for  
5 Summary Judgment filed December 17, 2010.

6 The parties to the Judgment and Order appealed from and the names, addresses and  
7 telephone numbers of their respective attorneys are as follows:

- 8 1. Counsel for plaintiff and appellant Save Strawberry Canyon is Stephan C. Volker of  
9 the Law Offices of Stephan C. Volker, 436 14<sup>th</sup> Street, Suite 1300, Oakland,  
10 California 94612-2717, Tel: (510) 496-0600, Fax: (510) 496-1366;
- 11 2. Counsel for the defendants United States Department of Energy are Ignacia S.  
12 Moreno, Kathryn M. Liberatore and Patrick Burke, United States Department of  
13 Justice, Environment & Natural Resources Division, P.O. Box 663, Washington, DC  
14 20044-0663, Tel: (202) 616-5082, Fax: (202) 305-0506.

15 Copies of the Judgment and Order appealed from are annexed to the Appellants' Civil  
16 Appeals Docketing Statement, filed concurrently herewith.

17 Dated: February 10, 2011

Respectfully submitted,

LAW OFFICES OF STEPHAN C. VOLKER



STEPHAN C. VOLKER  
Attorney for Plaintiff SAVE STRAWBERRY CANYON

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**PROOF OF SERVICE**

I am a citizen of the United States of America; I am over the age of 18 years and not a party to within entitled action; my business address is 436 14th Street, Suite 1300, Oakland, CA 94612.

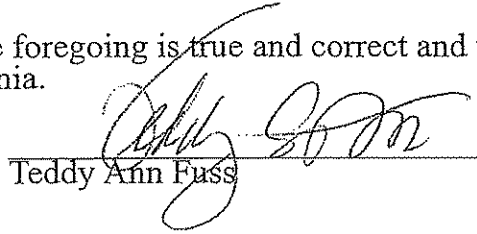
On February 10, 2011, I served the below-named document:

**NOTICE OF APPEAL OF PLAINTIFF/APPELLANT  
SAVE STRAWBERRY CANYON  
TO COURT OF APPEALS FOR THE NINTH CIRCUIT**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California, addressed as set forth below (CCP §1012, 1013, and 1013(a)). I am familiar with the practice of this firm for the collection and processing of correspondence for mailing with the United States Postal Service. In accordance with the ordinary course of business, the above-mentioned document(s) would have been deposited with the United States Postal Service on the same day on which it was placed at Law Offices of Stephan C. Volker for deposit, and addressed to:

Ignacia S. Moreno  
Kathryn M. Liberatore  
Patrick Burke  
U.S. Department of Justice  
Environment & Natural Resources Division  
P.O. Box 663  
Washington, DC 20044-0663

I declare under penalty of perjury that the foregoing is true and correct and that it was executed February 10, 2011 at Oakland, California.

  
Teddy Ann Fuss