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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

COALITION FOR A SUSTAINABLE DELTA,  
BELRIDGE WATER STORAGE DISTRICT,  
BERRENDA MESA WATER DISTRICT, LOST  
HILLS WATER DISTRICT, WHEELER RIDGE-  
MARICOPA WATER STORAGE DISTRICT,  
AND DEE DILLON,

Plaintiffs,

vs.

JOHN McCAMMAN, in his official capacity as  
Director of the California Department of Fish and  
Game,

Defendant,

CENTRAL DELTA WATER AGENCY, et al.

Defendant-Intervenors,

CALIFORNIA SPORTFISHING PROTECTION  
ALLIANCE, et al.,

Defendant-Intervenors.

AND RELATED CASES

Case No: 1:08-CV-00397-LJO-MJS

(Related Cases:

1:05-cv-01207-LJO-MJS

1:06-cv-00245-LJO-MJS

1:09-cv-00480-LJO-MJS)

**STIPULATION AND ORDER TO DISMISS  
FIRST AMENDED COMPLAINT WITH  
PREJUDICE**

Courtroom: 3

Judge: Hon. Lawrence J. O'Neill

1           WHEREAS, although all the parties were not able to agree upon settlement terms, Plaintiffs and  
2 the then Director of the California Department of Fish and Game, John McCamman (the State  
3 Defendant), were able to agree upon terms, and executed a settlement agreement;

4           WHEREAS, on April 19, 2011, the Court entered the settlement agreement as a consent decree  
5 (see ECF No. 253);

6           WHEREAS, under the terms of the settlement agreement, the State Defendant was obligated to,  
7 among other things, develop a proposal based upon the best available scientific information to modify  
8 the striped bass sport fishing regulation to reduce striped bass predation on the endangered Sacramento  
9 River winter-run chinook salmon, the threatened delta smelt, the threatened Central Valley spring-run  
10 chinook salmon, and the threatened Central Valley steelhead (the “Listed Species”) to be submitted to  
11 the California Fish and Game Commission, along with a recommendation that the Commission modify  
12 the striped bass sport fishing regulation consistent with the proposal;

13           WHEREAS, under the terms of the settlement agreement, once the California Fish and Game  
14 Commission takes final action on the State Defendant’s proposal (by making a final decision to approve,  
15 modify and approve, or reject the proposal), Plaintiffs are obligated to take all necessary steps to dismiss  
16 their First Amended Complaint with prejudice;

17           WHEREAS, in the settlement agreement, the Plaintiffs and the State Defendant agreed to each  
18 pay their own attorneys’ fees and costs and expert witness fees and costs, and also agree that neither  
19 shall be entitled to nor shall they seek from the Court any payment for any such fees and/or costs from  
20 the other;

21           WHEREAS, the State Defendant, with the collaboration of the U.S. Fish and Wildlife Service  
22 and the National Oceanic and Atmospheric Administration Fisheries Service, developed a joint proposal  
23 in accordance with the terms of the settlement agreement;

24           WHEREAS, the State Defendant has satisfied all requirements of the settlement agreement  
25 relating to the development of the regulatory proposal and the submission of that proposal to the  
26 California Fish and Game Commission; and

27           WHEREAS, on February 2, 2012, the California Fish and Game Commission voted to deny the  
28 proposal, thereby making a final decision, as that term is defined in the settlement agreement;

1 NOW THEREFORE, Plaintiffs, the State Defendant, and the Defendant Intervenors, through  
2 their respective counsel, stipulate and agree, subject to the approval of the Court, that the Court,  
3 pursuant to Federal Rule of Civil Procedure 41(a)(2), dismiss Plaintiffs' First Amended Complaint with  
4 prejudice, with each party to pay their own attorneys' fees and costs and expert witness fees and costs.  
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9 Dated: February 27, 2012

KAMALA D. HARRIS  
Attorney General of the State of California  
CLIFFORD T. LEE  
Deputy Attorney General  
DEBORAH A. WORDHAM  
Deputy Attorney General  
DANIEL FUCHS  
Deputy Attorney General

14 By: /s/ Clifford T. Lee, Esquire  
15 (As authorized on Feb. 22, 2012)  
CLIFFORD T. LEE

16 Attorneys for Defendant John McCamman, Director of the  
17 California Department of Fish and Game

18 Dated: February 27, 2012

NOMELLINI, GRILLI & McDANIEL  
PROFESSIONAL LAW CORPORATION

20 By: /s/ Daniel A. McDaniel, Esquire  
21 (As authorized on Feb. 23, 2012)  
DANIEL A. McDANIEL

22 Attorneys for Defendants in Intervention Central Delta  
23 Water Agency, et al.

24 Dated: February 27, 2012

MICHAEL B. JACKSON

26 By: /s/ Michael B. Jackson, Esquire  
27 (As authorized on Feb. 22, 2012)  
MICHAEL B. JACKSON

28 Attorneys for Defendants in Intervention California  
Sportfishing Protection Alliance, et al.

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Dated: February 27, 2012

ROBERT D. THORNTON  
PAUL S. WEILAND  
HENRY S. WEINSTOCK  
BENJAMIN Z. RUBIN  
NOSSAMAN LLP

By: /s/ Paul S. Weiland, Esquire  
Paul S. Weiland

Attorneys for Plaintiffs  
Coalition for a Sustainable Delta, Belridge Water Storage  
District, Berrenda Mesa Water District, Lost Hills Water  
District, Wheeler Ridge-Maricopa Water Storage District,  
and Dee Dillon

FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED  
that the Plaintiffs' First Amended Complaint be dismissed with prejudice, with each party to pay their  
own attorneys' fees and costs and expert witness fees and costs.

IT IS SO ORDERED.

Dated: February 28, 2012

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE