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16 *Attorney for Defendant Gibson Wine Co.*

17 UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,
20 Plaintiff,
21 v.
22 GIBSON WINE CO.,
23 Defendant.

No. 1:15-CV-01900-AWI-SKO

**JOINT STIPULATION TO TERMINATE
CONSENT DECREE AND REQUEST
FOR COURT APPROVAL; [~~PROPOSED~~]
ORDER THEREON**

24 Plaintiff the United States of America on behalf of the United States Environmental
25 Protection Agency (“Plaintiff”) and Defendant Gibson Wine Company (“Defendant”) respectfully
26 move the Court to terminate the Consent Decree entered as a final judgment in this matter on
27 March 13, 2018 (ECF No. 73).

28 In support of this motion, Plaintiff and Defendant hereby stipulate and agree as follows:

1. The Consent Decree was negotiated by Plaintiff and Defendant to resolve alleged
violations of the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*; The Comprehensive Environmental

1 Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et seq.*; and the Emergency
2 Planning and Community Right-to-Know Act, 42 U.S.C. § 11001 *et seq.*

3 2. On March 13, 2018, the Court entered the Consent Decree as a final judgment in
4 this matter (ECF No. 73).

5 3. Pursuant to Section V of the Consent Decree, Defendant completed the
6 compliance requirements of the Consent Decree and satisfied all claims for stipulated penalties
7 available pursuant to Section IX of the Consent Decree.

8 4. In accordance with Paragraph 86 of the Consent Decree, Defendant requested
9 termination of the Consent Decree on the basis it had satisfied the requirements for termination.

10 5. Pursuant to Paragraph 87 of the Consent Decree, after receiving Defendant's
11 request for termination, Plaintiff agreed that Defendant has satisfied the requirements for
12 terminating the Consent Decree, except for the Consent Decree's information retention and
13 destruction notification requirements, which survive for five (5) years after termination. *See*
14 Consent Decree ¶¶ 66 - 67.)

15 Accordingly, the Parties hereby stipulate to, and request that this Court enter an order on,
16 termination of the Consent Decree.

17 RESPECTFULLY SUBMITTED,

18 FOR PLAINTIFF UNITED STATES OF
19 AMERICA:

20
21 Dated: February 10, 2021

/s/ Andrew W. Ingersoll

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FOR DEFENDANT GIBSON WINE COMPANY:

Dated: February 10, 2021

/s/ James T. Dufour
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ORDER

Pursuant to the Stipulation of all parties, the Consent Decree in this case is
TERMINATED.

IT IS SO ORDERED.

Dated: February 10, 2021



SENIOR DISTRICT JUDGE