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10 Attorneys for Defendant and Third-Party Plaintiff
 11 EL DORADO COUNTY, CALIFORNIA

12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
 15
 16 Plaintiff,

17 v.

18 EL DORADO COUNTY,
 19 CALIFORNIA; and CITY OF SOUTH
 20 LAKE TAHOE, CALIFORNIA,

21 Defendants.

22 AND ALL RELATED CROSS
 23 ACTIONS

Case No.: S-01-1520 MCE GGH
 Hon. Morrison C. England, Jr.

**DEFENDANT AND THIRD
 PARTY PLAINTIFF EL DORADO
 COUNTY, CALIFORNIA AND
 PLAINTIFF UNITED STATES OF
 AMERICA’S STIPULATION
 CONCERNING THE COURT
 REGISTRY ACCOUNT**

24 Whereas, on December 9, 2009, the Court granted the United States’
 25 Motion to Approve Consent Decree with Certain Third Party Defendants; and,

26 Whereas, on December 7, 2009, the Court issued an Order directing
 27 the deposit of settlement monies with the Clerk of the Court and directing the
 28 Clerk of the Court to deposit all settlement monies with the court registry
 investment account (“Court Registry Account ”); and,

Whereas, to date the Clerk of the Court has made and/or received such
 deposits such totaling \$1.25 million as follows:

1 RECEIPT number #CAE200022311 \$100,000.00
2 Court Registry Account fbo Sierra Pacific Power Co. by
3 Sierra Pacific Power Company on 12/15/2009. (Entered:
4 12/15/2009)

5 RECEIPT number #CAE200022479 \$250,000.00
6 fbo Heavenly Valley by Heavenly Valley on 12/22/2009.
7 (Entered: 01/08/2010)

8 RECEIPT number #CAE200022804 \$150,000.00
9 fbo Safeway Inc. by Safeway Inc. on 1/6/2010. (Entered:
10 01/08/2010)

11 RECEIPT number #CAE200022828 \$50,000.00
12 fbo Lake Tahoe Unified School Dis. by Century
13 Indemnity Company on 1/7/2010. (Entered: 01/08/2010)

14 RECEIPT number #CAE200022829 \$50,000.00
15 fbo Lake Tahoe Unified School Dis. by County of El
16 Dorado on 1/7/2010. (Entered: 01/08/2010)

17 RECEIPT number #CAE200022831 \$100,000.00
18 fbo Raleys by Arrowood Indemnity Company on
19 1/7/2010. (Entered: 01/08/2010)

20 RECEIPT number #CAE200022834 \$350,000.00
21 fbo Harveys Tahoe Management Co. and Harrah's
22 Operating Company, Inc. by Harrahs Lake Tahoe on
23 1/7/2010. (Entered: 01/08/2010)

24 RECEIPT number #CAE200022873 \$50,000.00
25 fbo The Hertz Corporation by The Hertz Corporation on
26 1/8/2010. (Entered: 01/12/2010)

27 DEPOSIT of \$150,000 by Douglas County,
28 Nevada on February 4, 2010

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2 Whereas, the Consent Decree provides that all funds in the Court
3 Registry Account are to be maintained in that account with the express purpose
4 that such funds be disbursed only for past or future costs of “response” as that term
5 is defined in the Comprehensive Environmental Response, Compensation, and
6 Liability Act (“CERCLA”), as amended, 42 U.S.C. §§ 9601 et seq.; and,

7 Whereas, Funds in the Court Registry Account may be disbursed upon
8 the joint request of the United States and El Dorado County and with the approval
9 of this Court; and,

10 Whereas, upon a joint request made on an ex parte basis, the Consent
11 Decree provides that the Clerk of the Court shall pay some or all of the funds in the
12 Court Registry Account as directed by the Court; and,

13 Whereas, on June 2, 2010, the U.S. Department of Agriculture, Forest
14 Service, pursuant to its delegated authorities under Section 106 of CERCLA, 42
15 U.S.C. §9606, issued a Unilateral Administrative Order (“UAO”) to El Dorado
16 County; and

17 Whereas, the UAO requires El Dorado County to implement the
18 remedial remedy set forth in the Record of Decision for Operational Unit 1 (“OU-1
19 ROD”) at the Meyers Landfill Site;

20 Whereas the UAO allows El Dorado County and its agents access to
21 the Meyers Landfill Site to implement the OU-1 ROD; and,

22 Whereas, the United States has issued such UAO in advance of the
23 lodging of a Proposed Consent Decree resolving its claims against El Dorado
24 County brought herein; and,

25 Whereas, the United States anticipates lodging such Proposed Consent
26 Decree within the next 30 calendar days; and,

27 Whereas, both the United States and El Dorado County agree that
28 implementation of the OU-1 ROD at the Meyers Landfill Site to be conducted by

1 El Dorado County, as discussed above, will involve the incurrence of “response
2 costs” as that term is defined in CERCLA;

3 Therefore, the United States and El Dorado County hereby request
4 that this Court approve payment of \$1.25 million, plus any interest accrued
5 thereon, from the Court Registry Account to El Dorado County for the
6 implementation of the OU-1ROD at the Meyers Landfill Site; and hereby request
7 that this Court direct the Clerk of the Court to make an electronic fund transfer of
8 \$1.25 million, plus any interest accrued thereon, from the Court Registry Account
9 to El Dorado County as follows within five (5) days of this Order:

10 Account name: El Dorado County Treasurer-Tax Collector

11 Bank name and address:

12 Bank of America NT & SA

13 Sacramento Government Services, CBO #1504

14 555 Capitol Mall, Suite 1555

15 Sacramento, CA 95814

16 Federal Non-ACH Bank routing number (ABA):

17 026009593

18 Bank account number: 1489350167

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21 IT IS SO ORDERED.

22 DATED: June 25, 2010

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25 MORRISON C. ENGLAND, JR
26 UNITED STATES DISTRICT JUDGE
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IT IS SO STIPULATED.

June 23, 2010
Date

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June 23, 2010
Date

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