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21 UNITED STATES DISTRICT COURT
22 EASTERN DISTRICT OF CALIFORNIA

23 CALIFORNIA SPORTFISHING
24 PROTECTION ALLIANCE, a California
25 non-profit corporation,

26 Plaintiff,

27 vs.

28 EL DORADO IRRIGATION DISTRICT, a
California irrigation district.

Defendant.

Case No. 2-10-CV-00235-JAM-JFM

**NOTICE OF SETTLEMENT AND
STIPULATION AND ORDER TO
EXTEND TIME TO ANSWER THE
COMPLAINT AND FILE A JOINT
STATUS REPORT**

Judge: Hon. John A. Mendez

1 **PLEASE TAKE NOTICE** that the parties have reached a settlement resolving all claims in
2 this action. The settlement is contingent upon the expiration of the federal agencies' 45-day review
3 period required by the Federal Water Pollution Control Act, 33 U.S.C. § 1365(c)(2).¹

4 **PLEASE TAKE FURTHER NOTICE** that, in accordance with federal law, no judgment
5 disposing of this action may be entered prior to 45 days following the receipt of the proposed
6 settlement agreement by the United States Department of Justice and the national and Region IX
7 offices of the United States Environmental Protection Agency. *See* 40 C.F.R. § 135.5 (requiring the
8 parties to provide notice to the court of the 45-day agency review period under 33 U.S.C. § 1365(c)).
9 Such notice was mailed to the agencies on May 26, 2010. The regulatory agencies' review period
10 will end by approximately July 19, 2010 (allowing forty-five days for agency review and
11 approximately nine days for mailing time). If any of the reviewing agencies object to the proposed
12 agreement, the parties would require additional time to meet and confer and attempt to resolve the
13 agencies' concerns. At the end of the 45-day review period, the parties will file either a Stipulation
14 for Approval of Settlement Agreement and Dismissal of Plaintiff's Claims or a Notice that the
15 settlement is null and void.

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17 In light of the settlement agreement entered into by the parties and the need to await the
18 conclusion of the agencies' 45-day review period, Plaintiff California Sportfishing Protection Alliance
19 ("CSPA") and Defendant El Dorado Irrigation District ("EDID"), through their respective counsel,
20 stipulate and agree as follows:

21 **WHEREAS**, on January 28, 2010, CSPA filed its complaint in this action;

22 **WHEREAS**, on January 29, 2010, the Court issued an Order Requiring Joint Status Report
23 ("Order") requiring the parties to file a joint status report within 60-days of service of the complaint
24 and summons;

25 **WHEREAS**, CSPA and EDID have been diligently engaged in settlement discussions since

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27 _____
28 ¹ Title 33 of the United States Code, Section 1365(c)(2) provides that "[n]o consent judgment shall be entered in an action in which the United States is not a party prior to 45-days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator."

1 prior to the filing of the complaint;

2 **WHEREAS**, EDID waived service of the summons on April 1, 2010 and is required to file a
3 responsive pleading to the complaint not later than June 1, 2010;

4 **WHEREAS**, the Court's Order dated January 29, 2010, as revised by the minute order
5 entered on May 26, 2010, requires the parties to file a joint status report not later than June 4, 2010;

6 **WHEREAS**, the parties successfully completed and executed a Settlement Agreement on
7 May 25, 2010;

8 **WHEREAS**, on May 26, 2010, the parties submitted the Settlement Agreement via certified
9 mail, return receipt requested, to the U.S. EPA and the U.S. Department of Justice and must now
10 await the completion of the 45-day review period set forth at 40 C.F.R. § 135.5 and 33 U.S.C. §
11 1365(c)(2);

12 **WHEREAS**, in the interests of efficiency and judicial economy, the parties wish to preserve
13 costs incurred in this matter pending the agencies review of the executed settlement agreement;

14 **THEREFORE, IT IS HEREBY STIPULATED** by and between CSPA and EDID, through
15 their respective counsel of record, that EDID's time to file a responsive pleading to CSPA's
16 complaint shall be extended to and including August 5, 2010.

17 **IT IS HEREBY FURTHER STIPULATED** by and between CSPA and EDID, through
18 their respective counsel of record, that the time to file a joint status report shall be extended to and
19 including August 5, 2010.

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