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 20 SPORTFISHING PROTECTION ALLIANCE

21 **UNITED STATES DISTRICT COURT**  
 22 **EASTERN DISTRICT OF CALIFORNIA**

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

26 Plaintiff,  
 27 vs.

28 ANDERSON LANDFILL, INC., a Delaware  
 corporation, USA WASTE OF  
 CALIFORNIA, INC., a Delaware  
 corporation, and MIKE RIVERA, an  
 individual,

Defendants.

Case No. 2:10-CV-00831-WBS-DAD

**STIPULATION TO DISMISS  
 PLAINTIFF’S CLAIMS WITH  
 PREJUDICE; [PROPOSED] ORDER  
 GRANTING DISMISSAL WITH  
 PREJUDICE [FRCP 41(a)(2)]**

TO THE COURT:

Plaintiff California Sportfishing Protection Alliance (“Plaintiff” or “CSPA”), and  
 Defendants Anderson Landfill, Inc. (“ALI”), USA Waste of California, Inc. (“USAWCI”), and  
 Mr. Mike Rivera (“Defendants”) (collectively, the “Parties”) stipulate as follows:

1           **WHEREAS**, on or about February 5, 2010, CSPA provided Defendants with a Notice of  
2 Violations and Intent to File Suit (“CWA Notice Letter”) under Section 505 of the Federal Water  
3 Pollution Control Act (“Act” or “Clean Water Act”), 33 U.S.C. § 1365;

4           **WHEREAS**, on or about September 16, 2010, Plaintiff provided notice of Defendant  
5 ALI’s and Defendant USAWCI’s alleged violations of California Health & Safety Code Section  
6 25249.5 (also referred to as “Proposition 65”) (“Proposition 65 Notice Letter”) and of its intention  
7 to file suit against Defendants ALI and USAWCI to the Proposition 65 Enforcement Reporting  
8 section of the office of the California Attorney General (“California Attorney General”); the  
9 District Attorney of each California county containing sources of drinking water potentially  
10 impacted by Defendant ALI’s and Defendant USAWCI’s alleged violations of Proposition 65;  
11 and, to Defendants ALI and USAWCI, as required by California Health & Safety Code Section  
12 25249.5 *et seq.*;

13           **WHEREAS**, on April 7, 2010, CSPA filed its initial Complaint against Defendants in this  
14 Court, *California Sportfishing Protection Alliance v. Anderson Landfill, Inc., et al* (USDC, E.D.  
15 Cal., Case No. 2:10-CV-00831-WBS-DAD), and CSPA filed a First Amended Complaint  
16 pursuant to stipulation on November 22, 2010 (“Complaint”) and said Complaint incorporated by  
17 reference all of the allegations contained in CSPA’s CWA Notice Letter and Proposition 65  
18 Notice Letter;

19           **WHEREAS**, CSPA and Defendants, through their authorized representatives and without  
20 either adjudication of CSPA’s claims or admission by Defendants of any alleged violation or  
21 other wrongdoing, have chosen to resolve in full by way of settlement the allegations of CSPA as  
22 set forth in CSPA’s CWA Notice Letter, Proposition 65 Notice Letter, and Complaint, thereby  
23 avoiding the costs and uncertainties of further litigation. A copy of the agreement (“Consent  
24 Agreement”) entered into by and between CSPA and Defendants is attached hereto as Exhibit A  
25 and incorporated by reference;

26           **WHEREAS**, CSPA both electronically filed the Consent Agreement through the  
27 California Attorney General’s Proposition 65 Enforcement Reporting website and further  
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**ORDER**

Good cause appearing, and the Parties having stipulated and agreed,

IT IS HEREBY ORDERED that Plaintiff California Sportfishing Protection Alliance's claims against Defendants Anderson Landfill, Inc., USA Waste of California, Inc. and Mr. Mike Rivera as set forth in Plaintiff's Clean Water Act Notice Letter, Proposition 65 Notice Letter, and Complaint filed in Case No. 2:10-CV-00831-WBS-DAD, are hereby dismissed with prejudice.

IT IS FURTHER ORDERED that the Court shall retain and have jurisdiction over the Parties with respect to disputes arising under the Consent Agreement attached to the Parties' Stipulation to Dismiss as Exhibit A.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

Dated: July 21, 2011



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE