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 12 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

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18 Attorneys for Defendants  
 19 USA WASTE OF CALIFORNIA, INC. and MIKE DONOHUE

20 **UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA**

21 CALIFORNIA SPORTFISHING  
 PROTECTION ALLIANCE, a non-profit  
 22 corporation,

23 Plaintiff,

24 vs.

25 USA WASTE OF CALIFORNIA, INC. a  
 Delaware corporation, and MIKE  
 26 DONOHUE, an individual,

27 Defendants.  
 28

Case No. 2:10-cv-01096-GEB-KJN

STIPULATION FOR LEAVE TO FILE FIRST  
 AMENDED COMPLAINT; [PROPOSED]  
 ORDER THEREON

Judge: Hon. Garland E. Burrell, Jr.

1 WHEREAS, Plaintiff California Sportfishing Protection Alliance (“Plaintiff” or “CSPA”)  
2 filed its Complaint in this action on May 4, 2010;

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

12 WHEREAS, the 60-day statutory notice period of the Proposition 65 Notice will expire on or  
13 about November 14, 2010;

14 WHEREAS, Plaintiff has provided Defendants herein a proposed First Amended Complaint  
15 which adds a claim alleging that Defendant USA Waste of California, Inc.’s operation of the Facility  
16 has caused and continues to cause, the discharge of lead, lead compounds, arsenic, cadmium,  
17 mercury and nickel to sources of drinking water in violation of Proposition 65;

18 WHEREAS, the parties would like to avoid incurring the legal fees which will necessarily  
19 arise were Defendants to contest Plaintiff’s filing of the proposed First Amended Complaint;

20 WHEREAS, the parties would like to continue their settlement discussions and negotiations  
21 to fully resolve this matter;

22 WHEREAS, the parties agree that by entering into this Stipulation, Defendants are not  
23 waiving any defenses they may have with respect to any of the new allegations or causes of action in  
24 Plaintiff’s First Amended Complaint;

25 THEREFORE, IT IS HEREBY STIPULATED by and among Plaintiff California  
26 Sportfishing Protection Alliance and Defendants USA Waste of California, Inc. and Mr. Mike  
27 Donohue, that Plaintiff shall be permitted to file its proposed First Amended Complaint on  
28

1 November 15, 2010, or as soon thereafter as may be convenient for Plaintiff. Defendants' response  
2 to the First Amended Complaint shall be filed no later than twenty-one days after the filing of  
3 Plaintiff's First Amended Complaint.  
4

5 Dated: November 5, 2010

Respectfully submitted,  
LAW OFFICES OF ANDREW L. PACKARD

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8 By: /s/ Erik Roper  
ERIK M. ROPER  
9 Attorneys for Plaintiff  
CALIFORNIA SPORTFISHING  
10 PROTECTION ALLIANCE

11 Dated: November 5, 2010

REED SMITH LLP

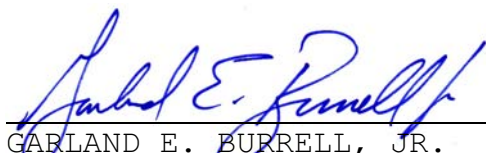
12  
13 By: /s/ Julia Butler  
JULIA C. BUTLER  
14 Attorneys for Defendants  
USA WASTE OF CALIFORNIA, INC. and  
15 MIKE DONOHUE  
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**ORDER**

Pursuant to Stipulation, it is ORDERED that (1) Plaintiff is granted leave to file its proposed First Amended Complaint on November 15, 2010, or as soon thereafter as may be convenient for Plaintiff; and, (2) Defendants' response to the First Amended Complaint shall be filed no later than twenty-one days after the filing of Plaintiff's First Amended Complaint.

11/10/10

  
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GARLAND E. BURRELL, JR.  
United States District Judge