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 SYAR CONCRETE, LLC

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

CALIFORNIA SPORTFISHING
 PROTECTION ALLIANCE, a non-profit
 corporation,

Plaintiff,

vs.

SYAR CONCRETE, LLC., a corporation.

Defendant.

Case No. 2:10-cv-02192-JAM-GGH

**NOTICE OF SETTLEMENT [L.R. 160]
 AND ORDER TO EXTEND STATUS
 CONFERENCE**

PLEASE TAKE NOTICE pursuant to Local Rule 160(a) that the parties have reached a settlement resolving all claims in this action. A copy of that signed settlement agreement is attached hereto as Exhibit 1. The settlement is contingent upon the expiration of the federal agency 45-day review period.¹

¹ Title 33 of the United States Code, Section 1365(c) provides that “[n]o consent judgment shall entered in an

PLEASE TAKE FURTHER NOTICE that, in accordance with federal law, no judgment disposing of this action may be entered prior to 45 days following the receipt of the proposed settlement agreement by the United States Department of Justice and the national and Region IX offices of the United States Environmental Protection Agency. *See* 40 C.F.R. § 135.5 (requiring the parties to provide notice to the court of the 45-day agency review period under 33 U.S.C. § 1365(c)). Such notice was mailed to the agencies on June 15, 2011. The regulatory agencies' review period will end by approximately August 8, 2011 (allowing forty-five days for agency review and approximately nine days for mailing time). If any of the reviewing agencies object to the proposed agreement, the parties would require additional time to meet and confer and attempt to resolve the agencies' concerns.

Local Rule 16-160(b) requires the parties to file a stipulation for dismissal with the Court within 20 days of this notice, "absent good cause." Given the statutorily mandated 45-day review period, the parties submit that good cause exists to set August 8, 2011, as the date by which a Stipulation for Approval of Settlement Agreement and Dismissal of Plaintiff's Claims or a Notice that the settlement is null and void with a Joint Status Report must be filed. The parties note that they have not yet filed a joint status report because of the imminent prospect for settlement.

Dated: June 15, 2011

Respectfully submitted,
LOZEAU DRURY LLP

By: *Douglas J. Chermak*
Douglas J. Chermak
Attorney for Plaintiff
CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

By: *Christopher J. Carr* (as authorized on 6/15/11)
Christopher J. Carr
Attorney for Defendant
SYAR CONCRETE, LLC

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."

ORDER

IT IS HEREBY ORDERED that the parties shall either file a Stipulation for Approval of Settlement Agreement and Dismissal of Plaintiff's Claims or a Notice that the settlement is null and void and a Joint Status Report by August 8, 2011.

Dated: 6/15/2011

/s/ John A. Mendez

Judge John A. Mendez
United States District Judge