

1 ANDREW L. PACKARD (State Bar No. 168690)
 2 ERIK ROPER (State Bar No. 259756)
 3 Law Offices of Andrew L. Packard
 4 100 Petaluma Blvd. N Ste 301
 5 Petaluma, CA 94952
 6 Tel: (707) 763-7227
 7 Fax: (415) 763-9227
 8 E-mail: andrew@packardlawoffices.com
 9 erik@packardlawoffices.com

10 ROBERT J. TUERCK (State Bar No. 255741)
 11 Jackson & Tuerck
 12 P. O. Box 148
 13 429 W. Main Street, Suite C
 14 Quincy, CA 95971
 15 Tel: (530) 283-0406
 16 E-mail: bob@jacksontuerck.com

17 Attorneys for Plaintiff CALIFORNIA
 18 SPORTFISHING PROTECTION ALLIANCE

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

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

24 Plaintiff,
 25 vs.

26 INTERNATIONAL PAPER COMPANY, a
 27 New York corporation, PAUL GALEA, an
 28 individual, and CLARK WEISS, an
 individual,

Defendants.

Case No. 2:11-CV-01126-JAM-DAD

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

TO THE COURT:

Plaintiff California Sportfishing Protection Alliance (“CSPA”), and Defendants International Paper Company, Mr. Paul Galea and Mr. Clark Weiss (“Defendants”) (collectively, the “Parties”) stipulate as follows:

WHEREAS, on or about February 25, 2011, CSPA provided Defendants with a Notice of Violations and Intent to File Suit (“60-Day Notice Letter”) under Section 505 of the Federal

1 Water Pollution Control Act (“Act” or “Clean Water Act”), 33 U.S.C. § 1365;

2 **WHEREAS**, on April 27, 2011, CSPA filed its Complaint against Defendants in this
3 Court, *California Sportfishing Protection Alliance v. City of Chico*, (USDC, E.D. Cal., Case No.
4 2:11-CV-01126-JAM-DAD) and said Complaint incorporated by reference all of the allegations
5 contained in CSPA’s 60-Day Notice Letter;

6 **WHEREAS**, CSPA and Defendants, through their authorized representatives and without
7 either adjudication of CSPA’s claims or admission by Defendants of any alleged violation or
8 other wrongdoing, have chosen to resolve in full by way of settlement the allegations of CSPA as
9 set forth in CSPA’s 60-Day Notice Letter and Complaint, thereby avoiding the costs and
10 uncertainties of further litigation. A copy of the agreement (“Consent Agreement”) entered into
11 by and between CSPA and Defendants is attached hereto as Exhibit A and incorporated by
12 reference.

13 **WHEREAS**, CSPA submitted the Consent Agreement via certified mail, return receipt
14 requested, to the U.S. EPA and the U.S. Department of Justice (“the agencies”) and the 45-day
15 review period set forth at 40 C.F.R. § 135.5 has been completed without objection by the
16 agencies.

17 **NOW THEREFORE, IT IS HEREBY STIPULATED** and agreed to by and between
18 the Parties that CSPA’s claims, as set forth in its 60-Day Notice Letter and Complaint, be
19 dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). The Parties
20 respectfully request an order from this Court dismissing such claims with prejudice. In
21 accordance with Clause 16 of the Consent Agreement, the Parties also request that this Court
22 retain and have jurisdiction over the Parties through September 30, 2013, for the sole purpose of
23 resolving any disputes between the parties with respect to enforcement of any provision of the
24 Consent Agreement.

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Dated: September _____, 2011

LAW OFFICES OF ANDREW L. PACKARD

By: _____

Erik M. Roper
Attorneys for Plaintiff
CALIFORNIA SPORTFISHING PROTECTION
ALLIANCE

Dated: September _____, 2011

INTERNATIONAL PAPER COMPANY

By: _____

Brian E. Heim, Chief Counsel, Environmental Law
International Paper Company
Attorneys for Defendants
INTERNATIONAL PAPER COMPANY, *et al*

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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 International Paper Company, Paul Galea and Clark Weiss as set forth in CSPA's 60-Day Notice Letter and Complaint filed in Case No. 2:11-CV-01126-JAM-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: September 8, 2011

/s/ John A. Mendez
United States District Court Judge