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14
 15 IN THE UNITED STATES DISTRICT COURT

16 FOR THE EASTERN DISTRICT OF CALIFORNIA

17 PACIFIC COAST FEDERATION OF
 18 FISHERMEN'S ASSOCIATIONS, CALIFORNIA
 SPORTFISHING PROTECTION ALLIANCE,
 19 FRIENDS OF THE RIVER, SAN FRANCISCO
 CRAB BOAT OWNERS ASSOCIATION, INC.,
 20 THE INSTITUTE FOR FISHERIES RESOURCES,
 and FELIX SMITH,

21
 22 Plaintiffs,

v.

23 DAVID MURILLO, Regional Director of the U.S.
 24 Bureau of Reclamation, U.S. BUREAU OF
 RECLAMATION, and SAN LUIS & DELTA-
 25 MENDOTA WATER AUTHORITY,

26 Defendants.

Civ. No. 2:11-cv-02980-KJM-CKD

**STIPULATION OF DISMISSAL
 WITH PREJUDICE PURSUANT TO
 FEDERAL RULE OF CIVIL
 PROCEDURE 41(a)(1)(A)(ii)**

Trial Date: September 11, 2017

Hon. Kimberly J. Mueller

1 Plaintiffs, Pacific Coast Federation of Fishermen’s Associations, California Sportfishing
2 Protection Alliance, Friends of the River, the Institute for Fisheries Resources, and Felix Smith;
3 and Defendants, David Murillo, U.S. Bureau of Reclamation, and San Luis & Delta-Mendota
4 Water Authority (collectively with Plaintiffs, the “Parties”), hereby file this Stipulation of
5 Dismissal With Prejudice of the sole remaining claim in Plaintiffs’ First Amended Complaint, and
6 request that the Court enter final judgment in favor of Defendants on Plaintiffs’ First Amended
7 Complaint, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

8 WHEREAS, on September 16, 2013, the Court issued an Order dismissing Plaintiffs’
9 Complaint with leave to amend (Dkt. 70);

10 WHEREAS, on October 7, 2013, Plaintiffs filed the currently operative First Amended
11 Complaint (Dkt. 71);

12 WHEREAS, on March 28, 2014 the Court issued an order granting in part and denying in
13 part Defendants’ Motions to Dismiss Plaintiffs’ First Amended Complaint (Dkt. 87);

14 WHEREAS, on September 2, 2016, the Court issued an order denying Plaintiffs’ motion
15 for summary judgment and granting in part and denying in part Defendants’ motions for summary
16 judgment (Dkt. 138);

17 WHEREAS, on March 28, 2017, the Court issued an order denying Plaintiffs’ motion for
18 leave to file a Second Amended Complaint (Dkt. 162);

19 WHEREAS, on March 28, 2017, the Court issued a Final Pretrial Order (Dkt. 163);

20 WHEREAS, on August 9, 2017, the Court issued an order denying Plaintiffs’ motion for
21 reconsideration (Dkt. No. 175);

22 WHEREAS, on August 25, 2017, the Court issued an order tentatively striking as
23 irrelevant the majority of Plaintiffs’ disputed facts listed in the Final Pretrial Order (Dkt. 180);

24 WHEREAS, trial is currently set to begin on September 11, 2017 (Dkt. 176.);

25 WHEREAS, pursuant to the above orders, the sole issue remaining for trial is whether
26 discharges unrelated to crop production from subsurface drainage systems beneath the Vega Solar
27

1 Project make up a majority of discharges from the Grassland Bypass Project (the “Vega Claim”)
2 (*see* Dkt. 163 at 2, 4);

3 WHEREAS, Plaintiffs are unlikely to succeed on the Vega Claim because the discharges
4 from the Vega Solar Project property do not make up a majority of discharges from the Grassland
5 Bypass Project;

6 WHEREAS, with the exception of the Vega Claim, the court has dismissed all other
7 claims in this suit; and,

8 WHEREAS, Plaintiffs have informed Defendants they plan to file an appeal of the final
9 judgment in this matter.

10 THEREFORE, the Parties hereby stipulate pursuant to Federal Rule of Civil Procedure
11 41(a)(1)(ii) that Plaintiffs’ Vega Claim be dismissed with prejudice, and that the Court issue final
12 judgment in favor of Defendants on Plaintiffs’ First Amended Complaint.

13 Accordingly, all previously set deadlines and hearings are VACATED. This case is
14 CLOSED.

15 IT IS SO STIPULATED.

16 Dated this 29th day of August, 2017.

17 LAW OFFICES OF STEPHAN C. VOLKER

18 By: /s/ Stephan C. Volker

19 STEPHAN C. VOLKER

20 *Attorney for Plaintiffs*

21 *Pacific Coast Federation of Fishermen’s Associations,
et al.*

22 Dated: August 29, 2017

23 JEFFREY H. WOOD

Acting Assistant Attorney General

24 By: /s/ Paul Cirino

25 PAUL CIRINO

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28 *David Murillo and U.S. Bureau of Reclamation*

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Dated: August 29, 2017

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Eric J. Buescher
ERIC J. BUESCHER

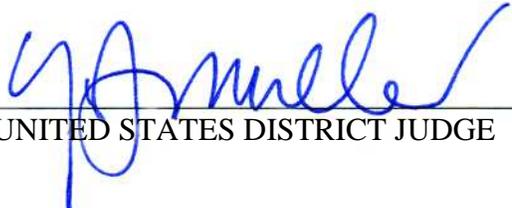
LINNEMAN LAW LLP

DIANE V. RATHMANN

*Attorneys for Defendant
San Luis & Delta-Mendota Water Authority*

IT IS SO ORDERED.

DATED: August 30, 2017.


UNITED STATES DISTRICT JUDGE