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6 Attorneys for Plaintiff
CALIFORNIA SPORTFISHING
7 PROTECTION ALLIANCE

8
9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, a non-profit
12 corporation,

13 Plaintiff,

14 vs.

15 JEFFREY BEARD, in his official capacity as
Secretary of the California Department of
Corrections and Rehabilitation,

16 Defendant.
17

Case No. **2:13-CV-00840-GEB-DAD**

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

18
19 Plaintiff California Sportfishing Protection Alliance ("CSPA") and Defendant Jeffrey Beard,
20 in his official capacity as Secretary of the California Department of Corrections and Rehabilitation
("Defendant") in the above-captioned action, stipulate as follows:

21 WHEREAS, on or about February 8, 2013, CSPA provided Defendant with a Notice of
22 Violations and Intent to File Suit ("60-Day Notice Letter") under Section 505 of the Federal Water
23 Pollution Control Act ("Act" or "Clean Water Act"), 33 U.S.C. § 1365;

24 WHEREAS, on April 29, 2013 CSPA filed its Complaint against Defendant in this Court,
25 and said Complaint incorporated by reference all of the allegations contained in CSPA's 60-Day
26 Notice Letter;

27 WHEREAS, CSPA and Defendant, through their authorized representatives and without
28 either adjudication of CSPA's claims or admission by Defendant of any alleged violation or other
wrongdoing, have chosen to resolve in full by way of settlement the allegations of CSPA as set forth

1 in CSPA's 60-Day Notice Letter and Complaint, thereby avoiding the costs and uncertainties of
2 further litigation. A copy of the Parties' proposed consent judgment ("Consent Judgment") entered
3 into by and between CSPA and Defendant is attached hereto as **Exhibit A** and incorporated by
4 reference;

5 WHEREAS, CSPA has submitted the Consent Judgment via certified mail, return receipt
6 requested, to the U.S. EPA and the U.S. Department of Justice ("the agencies") and the 45-day
7 review period set forth at 40 C.F.R. § 135.5 has now expired;

8 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
9 Parties that CSPA's claims, as set forth in its 60-Day Notice Letter and Complaint, be dismissed
10 with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). The Parties respectfully request
11 an order from this Court dismissing such claims with prejudice. In accordance with Paragraph 16 of
12 the Consent Judgment, the Parties also request that this Court retain and have jurisdiction over the
13 Parties through September 30, 2017, for the sole purpose of resolving any disputes between the
14 Parties arising under the Consent Judgment.

15 Dated: May 1, 2015

16 Respectfully submitted,

17 LAW OFFICES OF ANDREW L. PACKARD

18 By: /s/ Andrew L. Packard
19 Andrew L. Packard
20 Attorneys for Plaintiff
21 CALIFORNIA SPORTFISHING
22 PROTECTION ALLIANCE

23 Dated: May 1, 2015

24 KAMALA D. HARRIS
25 Attorney General of California
26 GAVIN G. MCCABE
27 Supervising Deputy Attorney General
28 ELLYN S. LEVINSON
Deputy Attorney General

By: /s/ Daniel S. Harris, Esq.
DANIEL S. HARRIS
Attorneys for Defendant
Jeffrey Beard, in his official capacity as
Secretary of the California Department of
Corrections and Rehabilitation

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ORDER

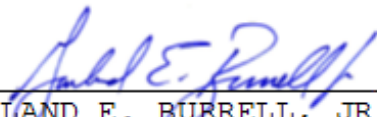
Good cause appearing, and the Parties having stipulated and agreed,

IT IS HEREBY ORDERED that Plaintiff CALIFORNIA SPORTFISHING PROTECTION ALLIANCE's claims against Defendant JEFFREY BEARD, in his official capacity as Secretary of the California Department of Corrections and Rehabilitation, as set forth in CSPA's 60-Day Notice Letter and Complaint, are hereby dismissed with prejudice, each side to bear their own attorney fees and costs, except as provided for by the terms of the accompanying Consent Judgment.

IT IS FURTHER ORDERED that the Court shall retain and have jurisdiction over the Parties solely for the purpose of resolving disputes arising under the Consent Judgment attached to the Parties' Stipulation to Dismiss as Exhibit A until September 30, 2017.

IT IS SO ORDERED.

Dated: May 1, 2015



GARLAND E. BURRELL, JR.
Senior United States District Judge