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 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

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

CALIFORNIA SPORTFISHING
 PROTECTION ALLIANCE, a non-profit
 corporation,

Plaintiff,

vs.

MCM CONSTRUCTION, INC., a California
 corporation.

Defendant.

Case No. 2:13-cv-00847-JAM-EFB

NOTICE OF SETTLEMENT AND ORDER

[L.R. 160 and FRCP 16]

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

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)).

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

Such notice will be mailed to the agencies by April 9, 2015, at the very latest. The regulatory agencies' review period will thus end by approximately June 3, 2015 (allowing forty-five days for agency review and approximately ten 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 160(b) requires the Court to fix a date upon which the documents disposing of the action must be filed within 21 days of this notice absent good cause. Given the statutorily mandated 45-day review period, good cause exists to set June 3, 2015, as the date by which a Stipulation for Dismissal of Plaintiff's Claims or a Notice that the settlement is null and void must be filed.

Dated: April 3, 2015

Respectfully submitted,

LOZEAU DRURY LLP

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

IT IS SO ORDERED.

Dated: April 3, 2015

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