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 11 CALIFORNIA SPORTFISHING
 12 PROTECTION ALLIANCE

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

15 CALIFORNIA SPORTFISHING
 16 PROTECTION ALLIANCE, a non-profit
 17 corporation,
 18 Plaintiff,
 19 vs.
 20 MCM CONSTRUCTION, INC., a
 21 corporation,
 22 Defendant.

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

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

23 WHEREAS, on January 25, 2013, Plaintiff California Sportfishing Protection Alliance
 24 (“CSPA”) provided Defendant MCM Construction, Inc. (“MCM”) with a Notice of Violations and
 25 Intent to File Suit (“Notice”) under Clean Water Act § 505, 33 U.S.C. § 1365.

26 WHEREAS, on April 30, 2013, CSPA filed its Complaint against MCM in this Court,
 27 *California Sportfishing Protection Alliance v. MCM Construction, Inc.*, Case No. 2:13-cv-00847-
 28 JAM-EFB. Said Complaint incorporates by reference all of the allegations contained in CSPA’s
 Notice.

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

1 and Complaint, thereby avoiding the costs and uncertainties of further litigation.

2 WHEREAS, the parties submitted the Settlement Agreement via certified mail, return receipt
3 requested, to the U.S. EPA and the U.S. Department of Justice and the 45-day review period set
4 forth at 40 C.F.R. § 135.5 has completed and the federal agencies have submitted correspondence to
5 the Court indicating that they have no objection to the terms of the Settlement Agreement.

6 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
7 parties that CSPA's claims, as set forth in the Notice and Complaint, be dismissed. The parties
8 respectfully request an order from this Court dismissing such claims.

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10 Dated: June 3, 2015

Respectfully submitted,

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LOZEAU DRURY LLP

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By: /s/ Douglas J. Chermak
Douglas J. Chermak
Attorneys for Plaintiff California Sportfishing
Protection Alliance

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HARRISON TEMBLADOR HUNGERFORD & JOHNSON

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By: Sean K. Hungerford (as authorized on 6/3/15)
Sean K. Hungerford
Attorneys for Defendant
MCM Construction, Inc.

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ORDER

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

IT IS HEREBY ORDERED that Plaintiff California Sportfishing Protection Alliance’s claims against Defendant MCM Construction, Inc., as set forth in the Notice and Complaint filed in Case No. 2:13-cv-00847-JAM-EFB, are hereby dismissed.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 6/3/2015

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

