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15 Attorneys for Plaintiff
16 CALIFORNIA SPORTFISHING
17 PROTECTION ALLIANCE

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

20 CALIFORNIA SPORTFISHING
21 PROTECTION ALLIANCE, a non-profit
22 corporation,

23 Plaintiff,

24 vs.

25 NORTHERN RECYCLING & WASTE
26 SERVICES, a California corporation, and
27 DOUGLAS SPEICHER, an individual.

28 Defendants.

2:14-cv-01601-GEB-CKD

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

(Federal Water Pollution Control Act,
33 U.S.C. §§ 1251 to 1387)

TO THE COURT:

Plaintiff CALIFORNIA SPORTFISHING PROTECTION ALLIANCE ("PLAINTIFF" or "CSPA"), and Defendants NORTHERN RECYCLING & WASTE SERVICES and DOUGLAS SPEICHER (collectively, the "DEFENDANTS") stipulate as follows:

1 **WHEREAS**, on or about May 7, 2014, CSPA provided DEFENDANTS with a Notice of
2 Violations and Intent to File Suit (“60-Day Notice Letter”) under Section 505 of the Federal
3 Water Pollution Control Act (“Act” or “Clean Water Act”), 33 U.S.C. § 1365;

4 **WHEREAS**, on July 7, 2014, CSPA filed its Complaint against DEFENDANTS in this
5 Court, and said Complaint incorporated by reference all of the allegations contained in CSPA’s
6 60-Day Notice Letter (“Complaint”);

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

14 **WHEREAS**, on May 27, 2105, the Parties submitted the Consent Agreement via
15 certified mail, return receipt requested, to the U.S. EPA and the U.S. Department of Justice (“the
16 agencies”) and the 45-day review period set forth at 40 C.F.R. § 135.5 has been completed
17 without objection by the agencies.

18 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED TO BY AND**
19 **BETWEEN THE PARTIES:**

20 1. That the Court be requested to approve the Consent Agreement attached hereto as
21 Exhibit A and enter judgment in therewith;

22 2. That CSPA’s claims, as set forth in the Clean Water Act Notice Letters and
23 Complaint, be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).
24 The Parties respectfully request an order from this Court dismissing such claims with prejudice.
25 In accordance with the terms and conditions of the Consent Agreement, the Parties also request
26 that this Court retain and have jurisdiction over the CSPA and Defendants NORTHERN
27 RECYCLING & WASTE SERVICES and DOUGLAS SPEICHER through the full term of the

1 Consent Agreement, for the sole purpose of resolving any disputes between the Parties with
2 respect to enforcement of any provision of the Consent Agreement.

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5 DATED: July 15, 2015

JACKSON & TUERCK

6 /s/ Robert J. Tuerck
7 Robert J. Tuerck
8 Attorney for Plaintiff
9 CALIFORNIA SPORTFISHING PROTECTION
10 ALLIANCE

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12
13 DATED: July 15, 2015

BRADY & VINDING

14 /s/ Michael Brady
15 MICHAEL BRADY
16 Attorneys for Defendants NORTHERN
17 RECYCLING & WASTE SERVICES and
18 DOUGLAS SPEICHER
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[PROPOSED] ORDER

WHEREAS, the Parties have consented to entry of the foregoing Consent Agreement and requested the Court’s approval and entry thereof; and

WHEREAS, pursuant to 33 U.S.C. § 1365(c)(3), the Parties submitted the Consent Agreement to the United States Attorney General and the Administrator of the United States Environmental Protection Agency and the 45-day review period has been completed without objection by the agencies;

WHEREAS, the Court has reviewed the Consent Agreement and fully considered the Parties’ request to enter this Consent Agreement as an order; and

WHEREAS, the Court finds the Consent Agreement to be: (1) fair, adequate and reasonable; (2) consistent with applicable laws; and (3) protective of the public interest; and

WHEREAS, good cause appearing therefore,

1. THIS CONSENT AGREEMENT IS HEREBY APPROVED AND JUDGMENT IS ENTERED IN ACCORDANCE THEREWITH;

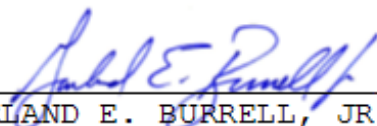
2. Plaintiff California Sportfishing Protection Alliance’s claims against Defendants NORTHERN RECYCLING & WASTE SERVICES and DOUGLAS SPEICHER, as set forth in the Clean Water Act Notice Letters and Complaint filed in Case No. 2:14-CV-01601-GEB-CKD, are hereby dismissed with prejudice.

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 Approve Consent Agreement and Dismiss as Exhibit A.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT COURT OF CALIFORNIA

Dated: July 16, 2015



STIPULATION AND [PROPOSED] ORDER TO APPROVE CONSENT AGREEMENT AND DISMISS **GARLAND E. BURRELL, JR.** Senior United States District Judge

