

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3 CITY OF LINCOLN,
4 Plaintiff,

5 v.

6 UNITED STATES OF AMERICA,
7 et al.

8 Defendants.

Case No. 2:16-cv-01164-KJM-AC

**SETTLEMENT ORDER AND FINAL
JUDGMENT**

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10 Upon consideration of the Joint Motion To Enter the proposed Consent Decree, the
11 Memorandum in Support and other pleadings submitted, as well as the terms of the proposed
12 Consent Decree between Plaintiff and Counter-Defendant City of Lincoln (“City”), and Defendant
13 and Counterclaimant United States of America, General Services Administration, and the
14 Department of the Air Force (collectively, the “United States”) (Collectively, the City and United
15 States are referred to as “the Parties”), the Court hereby finds that the Parties’ proposed Consent
16 Decree is fair and reasonable, both procedurally and substantively, consistent with the
17 Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) and other
18 applicable law, in good faith, and in the public interest. Accordingly, the foregoing Consent Decree
19 is hereby APPROVED.


20 The Court concludes, as specified in Paragraph 3 of the Consent Decree, that the Parties’
21 settlement adequately and fairly represents a reasonable and equitable settlement of the parties’
22 claims against each other in this litigation. As per Paragraph 5 of the Consent Decree, the United
23 States is entitled to contribution protection pursuant to section 113(f) of CERCLA, 42 U.S.C. §
24 9613(f), the Uniform Comparative Fault Act, and any other applicable provision of federal or state
25 law, whether by statute or common law, extinguishing the United States’ liability as set forth in the
26 Consent Decree.

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Upon entry of the Consent Decree, all of City’s claims against the United States, and all of the United States’ counterclaims against City in the above-referenced action, whether alleged in the complaints or otherwise, shall be dismissed with prejudice, as provided in the Consent Decree.

There being no just reason for delay, this Court directs entry of final judgment in accordance with the terms of the Consent Decree and this Order. The Parties shall each bear their own costs, expenses, and attorneys’ fees.

SIGNED, SO ORDERED, and ENTERED this 25th day of June 2021.



CHIEF UNITED STATES DISTRICT JUDGE