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 11 THE CALIFORNIA SPORTFISHING
 12 PROTECTION ALLIANCE

13 **UNITED STATES DISTRICT COURT**

14 **EASTERN DISTRICT OF CALIFORNIA**

15 THE CALIFORNIA SPORTFISHING
 16 PROTECTION ALLIANCE, a non-profit
 17 corporation,

18 Plaintiff,

19 vs.

20 CEMEX CONSTRUCTION MATERIALS
 21 PACIFIC, LLC, a Delaware corporation;

22 Defendant.

Case No. 2:17-cv-00272-MCE-CKD

**STIPULATION AND ORDER TO
 DISMISS PLAINTIFF'S CLAIMS WITH
 PREJUDICE
 [FRCP 41(a)(2)]**

23 **WHEREAS**, on July 23, 2014, Plaintiff The California Sportfishing Protection Alliance
 24 ("CSPA") filed its Complaint against Defendant CEMEX Construction Materials Pacific, LLC
 25 ("CEMEX") in this Court, *The California Sportfishing Protection Alliance v. Cemex Construction*
 26 *Materials Pacific, LLC*, Case No. 2:17-cv-00272-MCE-CKD, in which Plaintiff alleged violations of
 27 the Clean Water Act;

28 **WHEREAS**, CSPA and CEMEX, through their authorized representatives and without
 either adjudication of CSPA's claims or admission by CEMEX 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 the Notice and Complaint, thereby avoiding the costs and uncertainties of further litigation.

2 **WHEREAS**, the parties submitted a 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. 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 with prejudice.
8 The parties respectfully request an order from this Court dismissing such claims.
9

10 Dated: February 28, 2018

Respectfully submitted,

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12 LOZEAU DRURY LLP

13 By: /s/ Douglas J. Chermak
14 Douglas J. Chermak
15 Attorneys for Plaintiff
16 THE CALIFORNIA SPORTFISHING PROTECTION
17 ALLIANCE

18 MITCHELL CHADWICK LLP

19 /s/ Sarah M. Taylor
20 (as authorized on 2/27/18)
21 Sarah M. Taylor
22 Attorneys for Defendant
23 CEMEX CONSTRUCTION MATERIALS PACIFIC,
24 LLC
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ORDER

Pursuant to the stipulation of the parties and good cause having been shown, it is hereby ordered that Plaintiff The California Sportfishing Protection Alliance’s claims against Defendant CEMEX Construction Materials Pacific, LLC, as set forth in the Notice and Complaint filed in Case No. 2:17-cv-00272-MCE-CKD, are hereby DISMISSED with prejudice. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: March 17, 2018


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE