

1 LAWYERS FOR CLEAN WATER, INC.
 Layne Friedrich (Bar No. 195431)
 2 Caroline Koch (Bar No. 266068)
 1004-A O'Reilly Avenue
 3 San Francisco, California 94129
 4 Telephone: (415) 440-6520
 Facsimile: (415) 440-4155

5
 6 *Attorneys for Plaintiff*

CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

7 CANNATA, O'TOOLE, FICKES & ALMAZAN LLP

8 Therese Y. Cannata (Bar No. 88032)
 Kimberly A. Almazan (Bar No. 288605)
 9 100 Pine Street, Suite 350
 San Francisco, CA 94111
 10 Telephone: (415) 409-8900
 Facsimile: (415) 409-8904

11 *Attorneys for Defendants*

12 CALIFORNIA MATERIALS, INC.
 13 CMAT MOBILE CRUSHING, INC. and
 E.J. ROGERS II

14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA

16
 17 CALIFORNIA SPORTFISHING PROTECTION
 ALLIANCE, a California non-profit
 18 corporation,

19 Plaintiff,

20 vs.

21 CALIFORNIA MATERIALS, INC., a
 California Corporation, CMAT MOBILE
 22 CRUSHING, INC. a California
 Corporation, and E.J. ROGERS II, an
 23 individual,

24
 25 Defendants.

Case No. 2:17-CV-01397-JAM-CKD

Honorable John A. Mendez

STIPULATION TO DISMISS
 PLAINTIFF'S CLAIMS WITH
 PREJUDICE; ORDER GRANTING
 DISMISSAL WITH PREJUDICE [FRCP
 41(a)(2)]

1 Plaintiff California Sportfishing Protection Alliance
2 ("Plaintiff" or "CSPA") and Defendants California Material, Inc.,
3 CMAT Mobile Crushing, Inc., and E.J. Rogers II ("Defendants"), by and
4 through their attorneys of record, hereby enter into this Stipulation
5 to Dismiss Plaintiff's Claims With Prejudice

6 WHEREAS, Plaintiff and Defendants (the "Parties") have entered
7 into a settlement agreement ("Settlement Agreement") that achieves a
8 full and final settlement of all of CSPA's claims against Defendants
9 as set forth in Civil Case No. 2:17-cv-01397-JAM-CKD;

10 WHEREAS, a copy of the Settlement Agreement is attached hereto
11 as Exhibit A.

12 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and
13 between the Parties that CSPA's claims, as set forth in its CWA 60-
14 Day Notice Letters and First Amended Complaint, be dismissed with
15 prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). The
16 Parties respectfully request an order from this Court dismissing such
17 claims with prejudice. Each side to bear their own attorney fees and
18 costs, except as provided for by the terms of the accompanying
19 Settlement Agreement.

20 The Parties further request that this Court retain jurisdiction
21 over the Parties and in accordance with the terms of the Settlement
22 Agreement, including paragraphs 12 and 17.

23 Dated: March __, 2018 LAWYERS FOR CLEAN WATER, INC.

24 _____
25 Layne Friedrich
26 Attorney for Plaintiff

27 Dated: March __, 2018 CANNATA, O'TOOLE, FICKES & ALMAZAN LLP

28 _____
Kimberly Almazan
Attorney for Defendants

1 [PROPOSED] ORDER

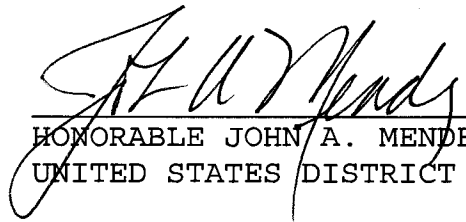
2 Based on the above stipulation of the Parties,

3 IT IS HEREBY ORDERED that Plaintiff's claims against Defendants
4 California Material, Inc., CMAT Mobile Crushing, Inc., and E. J.
5 Rogers II as set forth in the First Amended Complaint in this action,
6 are dismissed with prejudice, each side to bear their own attorney
7 fees and costs, except as provided for by the terms of the
8 accompanying Settlement Agreement.

9 IT IS FURTHER ORDERED that the Court shall retain and have
10 jurisdiction over the Parties with respect to any disputes arising
11 under the Settlement Agreement and in accordance with the terms of
12 the Settlement Agreement, including paragraphs 12 and 17.

13
14 IT IS SO ORDERED.

15
16 Date: 6.11.2018

17 
HONORABLE JOHN A. MENDEZ
18 UNITED STATES DISTRICT COURT JUDGE