

1 Daniel Cooper (Bar No. 153576)
 2 Caroline Koch (Bar No. 266068)
 3 LAWYERS FOR CLEAN WATER, INC.
 4 1004-A O'Reilly Avenue
 5 San Francisco, California 94129
 Telephone: (415) 440-6520
 Facsimile: (415) 440-4155
 Email: Daniel@lawyersforcleanwater.com

6 Attorneys for Plaintiff
 7 SAN FRANCISCO BAYKEEPER

8 DOWNEY BRAND LLP
 9 MELISSA THORME (Bar No. 151278)
 10 621 Capitol Mall, 18th Floor
 Sacramento, CA 95814-4731
 Telephone: (916) 444-1000
 Facsimile: (916) 444-2100
 Email: mthorme@downeybrand.com

11 Attorney for Defendant
 12 WEST BAY SANITARY DISTRICT

13 *Additional counsel of record listed below*

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN FRANCISCO BAYKEEPER, a California
 17 non-profit corporation,

18 Plaintiff,

19 v.

20 WEST BAY SANITARY DISTRICT, a California
 21 independent municipal corporation,

22 Defendant.

Civil Case No.: C-09-05676 EMC

STIPULATED DISMISSAL ; ORDER

Fed. R. Civ. P. 41(1)(A)(ii)

Honorable Edward M. Chen

1 Christopher Sproul (Bar No. 126398)
ENVIRONMENTAL ADVOCATES
2 5135 Anza Street
San Francisco, California 94121
3 Telephone: (415) 533-3376
Facsimile: (415) 358-5695
4 Email: csproul@enviroadvocates.com

5 Jason Flanders (Bar No. 238007)
SAN FRANCISCO BAYKEEPER
6 785 Market Street, Suite 850
San Francisco, California 94103
7 Telephone: (415) 856-0444
Facsimile: (415) 856-0443
8 Email: jason@baykeeper.org

9 Attorneys for Plaintiff
SAN FRANCISCO BAYKEEPER

10 Anthony P. Condotti (Bar No. 149886)
11 ATCHISON, BARISONE, CONDOTTI & KOVACEVICH
333 Church Street
12 Santa Cruz, CA 95060
Telephone: (831)423-8383
13 Facsimile: (831)43-9401
Email: tcondotti@abc-law.com

14 Attorneys for Defendant
15 WEST BAY SANITARY DISTRICT

16
17
18
19
20
21
22
23
24
25
26
27
28

1 The following Stipulated Dismissal is entered into by and between Plaintiff San Francisco
2 Baykeeper ("Plaintiff" or "Baykeeper"), and Defendant West Bay Sanitary District ("Defendant" or
3 "West Bay"). The entities entering into this Stipulated Dismissal are each referred to herein as "Settling
4 Party" and collectively as "Settling Parties."

5 **WHEREAS**, Baykeeper satisfied the terms of paragraph one (1) of the Settling Parties'
6 Agreement by filing the Settling Parties' Stipulation and Settlement Agreement (Dkt. No. 184-1)
7 ("Agreement") with the Court on January 12, 2012 and transmitting a copy of the Stipulation and
8 Settlement Agreement to the U.S. Department of Justice and the U.S. Environmental Protection Agency
9 ("the Agencies") for the 45-day review period on January 12, 2012;

10 **WHEREAS**, West Bay satisfied the terms of paragraph two (2) of the Settling Parties'
11 Agreement by remitting payment in the amount of \$435,621.37 to Baykeeper on February 29, 2012 via
12 overnight delivery according to the terms of the Stipulation and Settlement Agreement;

13 **WHEREAS**, the Settling Parties have complied with paragraph three (3) of the Settling Parties'
14 Agreement that requires West Bay to transmit final payment of \$964,378.63 to Baykeeper, which shall
15 constitute payment in full for any liability that West Bay may have for the violations alleged in this case
16 and for Baykeeper' attorneys fees and costs of suit, and paragraph four (4) of the Settling Parties'
17 Agreement that requires Baykeeper to file this Stipulated Dismissal according to the terms of the
18 Stipulation and Settlement Agreement;

19 **NOW THEREFORE IT IS HEREBY STIPULATED BETWEEN THE SETTLING PARTIES:**

20 1. Baykeeper's complaint filed on December 2, 2009 with the United States District Court for
21 the Northern District of California, Civil Case No.: C-09-05676 EMC, against West Bay is hereby
22 dismissed with prejudice.

23
24 Respectfully submitted,

25 Dated: March 2, 2012

LAWYERS FOR CLEAN WATER, INC.

26 By: 
27 Daniel Cooper, Attorneys for Plaintiff
28 SAN FRANCISCO BAYKEEPER

DOWNEY BRAND LLP

1
2 Dated: March 2, 2012

By: *Melissa Thorme*
Melissa A. Thorme, Attorneys for Defendant
WEST BAY SANITARY DISTRICT

3
4
5
6 IT IS SO ORDERED:

7
8 Edward M. Chen
9 U.S. District Judge

