

1 Daniel Cooper (Bar No. 153576)
 2 Samantha Williams (Bar No. 251344)
 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 A. THORME (Bar No. 151278)
 10 621 Capitol Mall, 18th Floor
 11 Sacramento, CA 95814-4731
 Telephone: (916) 444-1000
 Facsimile: (916) 444-2100
 Email: mthorme@downeybrand.com

12 Attorneys for Defendant
 13 WEST BAY SANITARY DISTRICT

14 *Additional counsel of record listed below*

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

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

19 Plaintiff,

20 v.

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

23 Defendant.

Civil Case No.: C-09-05676 EMC

**~~[PROPOSED]~~ ORDER TO DISMISS
 SECOND CAUSE OF ACTION FROM
 PLAINTIFF'S COMPLAINT**

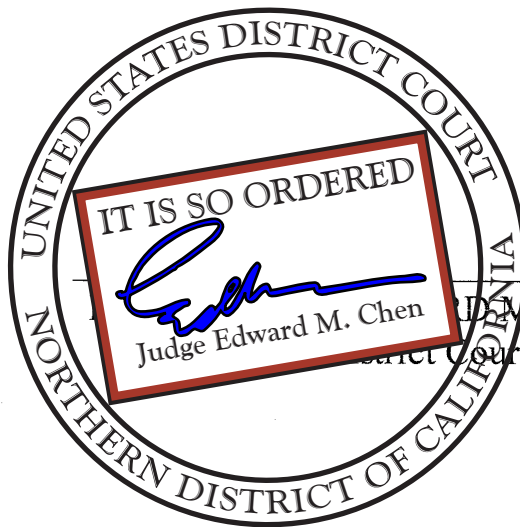
Honorable Edward M. Chen
 Place: United States District Court
 450 Golden Gate Avenue
 Courtroom C, 15th Floor
 San Francisco, CA

1 WHEREAS, on November 12, 2010, Plaintiff San Francisco Baykeeper (“Baykeeper”) and
2 Defendant West Bay Sanitary District (“West Bay”) in the above-captioned action submitted to this
3 Court a STIPULATION TO DISMISS SECOND CAUSE OF ACTION FROM PLAINTIFF’S
4 COMPLAINT agreeing to a dismissal of the Plaintiff’s second cause of action.

5 THEREFORE, IT IS THUS SO ORDERED, DECREED AND ADJUDGED that Plaintiff’s
6 Second Cause of Action (Paragraphs 109 to 115 of the Plaintiff’s Complaint) and the request for relief
7 associated with the same (Paragraph 123(d) of Plaintiff’s Complaint) are hereby DISMISSED.

8
9 **IT IS SO ORDERED.**

10
11 Dated: 11/18/10 _____



12 _____
13 JUDGE EDWARD M. CHEN
14 District Court Judge

15 1124101.1