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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 BAYKEEPER, a non-profit corporation,

Civil Case No. C 11-05184-SI

16 Plaintiff,

Hon. Susan Illston

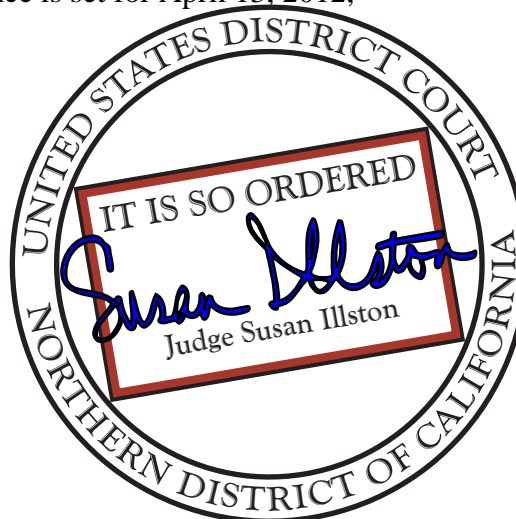
17 v.

**NOTICE OF SETTLEMENT;
 REQUEST TO VACATE INITIAL
 CASE MANAGEMENT CONFERENCE
 AND RELATED DEADLINES**

18 BAE SYSTEMS SAN FRANCISCO SHIP
 19 REPAIR, INC.,

20 Defendant.

21 the initial case management conference is set for April 13, 2012,
 22 at 2:30 p.m.



1 **TO THE COURT AND TO THE PARTIES:**

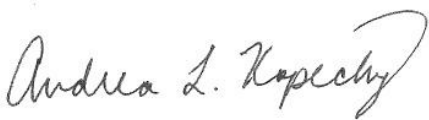
2 **PLEASE TAKE NOTICE** that Plaintiff Baykeeper (“Baykeeper”) and Defendant BAE
3 Systems San Francisco Ship Repair, Inc. (“BAE Systems”) (collectively, the “Parties”) have reached
4 a settlement in this action, whose specific terms are set forth in a [Proposed] Consent Decree that has
5 been executed by the Parties. As required by federal law, a copy of the [Proposed] Consent Decree
6 has been sent to the U.S. Department of Justice and to the U.S. Environmental Protection Agency
7 (collectively “the Agencies”) for a mandatory 45-day review period under Section 135.5 of Title 40
8 of the Code of Federal Regulations. Copies of the [Proposed] Consent Decree were sent to the
9 Agencies via U.S. Certified Mail on today’s date. Because the Agencies interpret the 45-Day review
10 period as commencing on the date the Agencies receive the [Proposed] Consent Decree, Plaintiff will
11 promptly notify the Court in writing upon expiration of the 45-Day review period, and shall advise
12 the Court as to whether any objections were received from the Agencies. Upon expiration of the 45-
13 Day review period, Plaintiff will also file the [Proposed] Consent Decree, along with a [Proposed]
14 Order entering the Consent Decree and dismissing this case, for the consideration, approval, and
15 execution by the Court. The Court may sign and enter the Consent Decree after the 45-Day review
16 period has expired. *See* 40 C.F.R. § 135.5; 33 U.S.C. § 1365(c)(3).

17 Consistent with the impending settlement of this action, the Parties hereby respectfully request
18 that the Court vacate from its calendar the February 3, 2011 Initial Case Management Conference and
19 ADR Deadlines. Should the Court require any additional information, the undersigned will be
20 pleased to provide it upon request.

21
22 Dated: November 7, 2011

Respectfully Submitted,

23
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25 By:



Andrea Kopecky
Attorney for Plaintiff
BAYKEEPER