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**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

STEVE ELLIS, *et al.*,  
  
*Plaintiffs,*  
  
v.  
  
JACK HOUSENGER, *et al.*,  
  
*Defendants,*  
and  
  
BAYER CROPSCIENCE LP, *et al.*,  
  
*Defendant-Intervenors.*

) Case No.: 3:13-cv-01266-MMC  
)  
) **JOINT STIPULATION OF PARTIAL**  
) **DISMISSAL AND PROPOSED ORDER**  
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1 Four of the product registrations at issue in the Fifth Claim of Plaintiffs' Second Amended  
2 Complaint (ECF No. 126), have been cancelled by EPA at the request of the registrant for reasons  
3 unrelated to this case. The four cancelled product registrations are:

- 4 • Titan FL, EPA Reg. No. 264-984
- 5 • Three-Way VAP, EPA Reg. No. 264-1079
- 6 • Proceed Plus, EPA Reg. No. 264-1082
- AE 1283742, EPA Reg. No. 264-846

7 See EPA, Product Cancellation Order for Certain Pesticide Registrations, 79 Fed. Reg. 41553-01  
8 (July 16, 2014) (announcing voluntary cancellation of EPA Reg. Nos. 264-984, 264-1079, and 264-  
9 1082); EPA, Product Cancellation Order for Certain Pesticide Registrations, 80 Fed. Reg. 13846-02  
10 (Mar. 17, 2015) (announcing voluntary cancellation of EPA Reg. No. 264-846).

11 All parties to the above-captioned case hereby stipulate and agree to the partial dismissal of  
12 Claim 5 of the Second Amended Complaint to the extent it is based on EPA approvals for the four  
13 cancelled product registrations identified above. A proposed Order is attached.

14 Dated: June 8, 2016.

Respectfully Submitted,

/s/

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1 **[PROPOSED] PARTIAL DISMISSAL ORDER**


2 Upon consideration of the parties' Joint Stipulation for Partial Dismissal, it is ORDERED  
3 that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs' Fifth Claim  
4 against Defendants Steven P. Bradbury, et al., is hereby dismissed with prejudice to the extent it is  
5 based on EPA approvals for the following four product registrations, which the parties have  
6 stipulated were voluntarily cancelled by EPA:  
7

- 8 • Titan FL, EPA Reg. No. 264-984
- 9 • Three-Way VAP, EPA Reg. No. 264-1079
- 10 • Proceed Plus, EPA Reg. No. 264-1082
- 11 • AE 1283742, EPA Reg. No. 264-846

12 The references to these product registrations, and associated dates of agency actions alleged  
13 to have triggered a duty to consult, are hereby stricken from the Second Amended Complaint. *See*  
14 SAC ¶ 128 (ECF No. 126).

15 IT IS SO ORDERED.

16 DATED this 8th day of June, 2016.

17   
18 MAXINE M. CHESNEY  
19 United States District Judge