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Complete counsel list on signature page

16 THE UNITED STATES DISTRICT COURT  
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION

19 STEVE ELLIS, et al.,  
20 *Plaintiffs,*

21 v.

22 RICHARD P. KEIGWIN, JR., et al.,  
23 *Defendants,*

24 and

25 BAYER CROPSCIENCE LP, et al.,  
26 *Defendant-Intervenors.*

) Case No.: 3:13-cv-01266-MMC

) **STIPULATED NOTICE OF DISMISSAL**  
) **UNDER FRCP 41(a)(1)(A)(ii)**

) **AND ORDER THEREON**

1           The parties to this action, Plaintiffs Steve Ellis, Tom Theobald, Jim Doan, Bill Rhodes,  
2 Center for Food Safety, Beyond Pesticides, Sierra Club, and Center for Environmental Health  
3 (“Plaintiffs”), Defendants Andrew Wheeler, Administrator of the United States Environmental  
4 Protection Agency (“EPA”) and Richard P. Keigwin, Jr., Director, Office of Pesticide Programs,  
5 EPA (“Defendants”), and Defendant-Intervenors Bayer CropScience LP, Syngenta Crop  
6 Protection, LLC, Valent U.S.A. LLC, and CropLife America (“Defendant-Intervenors”) (all  
7 together “the Parties”) hereby stipulate under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) that  
8 this action be dismissed with prejudice as to all claims, causes of action and Parties.

9           Notwithstanding the dismissal of this action, the Parties agree and request that the Court  
10 retain jurisdiction following the dismissal to resolve any claims by Plaintiffs against Defendant  
11 EPA for attorney fees and costs. The Parties further agree and request that, pursuant to the  
12 Parties’ Joint Stipulation, executed on or about February 28, 2019, as a condition of this  
13 stipulation, and under the authority of *Kokkonen v. Guardian Life Insurance Company of*  
14 *America*, 511 U.S. 375, 381-82 (1994), this Court retain continuing and exclusive jurisdiction to  
15 address allegations of non-performance of and to enforce the Joint Stipulation. The Joint  
16 Stipulation provides that the Parties’ sole and exclusive remedy for failure to perform under the  
17 Joint Stipulation shall be to move Judge Corley for an order providing relief for: (1) a Defendant-  
18 Intervenor’s failure to comply with its procedural obligations under Paragraph 1 of the Joint  
19 Stipulation; (2) EPA’s failure to comply with its procedural obligations under Paragraphs 2 and 3  
20 of the Joint Stipulation and its procedural obligations under the Endangered Species Act Section  
21 7(a)(2) for the 59 pesticide registration decisions at issue, as adjudicated and specified in the  
22 Court’s May 8, 2017, Order; and/or (3) a Plaintiff’s failure to abide by Paragraph 5. Pursuant to  
23 28 U.S.C. § 636(c) and Local Civil Rule 73-1(b), the Parties consent to Judge Corley adjudicating  
24 any such allegations of failure to perform under the Joint Stipulation.

1 Dated: May 29, 2019.

Respectfully Submitted,



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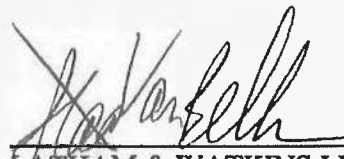
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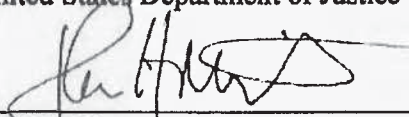


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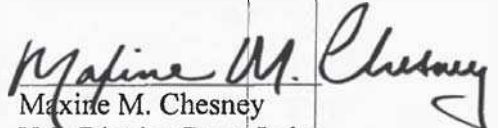
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IT IS SO ORDERED



Maxine M. Chesney  
U.S. District Court Judge

Dated: May 31, 2019