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6 *Counsel for Plaintiff*  
7 **SAN FRANCISCO HERRING**  
**ASSOCIATION**

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12  
13 **SAN FRANCISCO HERRING**  
**ASSOCIATION,**

14 Plaintiff,

15 v.

16  
17 **UNITED STATES DEPARTMENT OF**  
**THE INTERIOR; SALLY JEWELL,** in  
18 her official capacity as Secretary of the  
Interior; **UNITED STATES NATIONAL**  
19 **PARK SERVICE; JONATHAN JARVIS,**  
in his official capacity as Director of the  
20 National Park Service; and **FRANK DEAN,**  
in his official capacity as General  
21 Superintendent of the Golden Gate National  
Recreation Area,

22  
23 Defendants.

Case No. 13-1750 (JST)

**STIPULATION AND ~~PROPOSED~~**  
**ORDER FOR DISMISSAL WITHOUT**  
**PREJUDICE AND FINAL JUDGMENT**

Case Filed: April 18, 2013  
Judge: Hon. Jon S. Tigar

**STIPULATION**

1  
2 WHEREAS, on April 18, 2013, Plaintiff the San Francisco Herring  
3 Association (“Plaintiff”) filed this lawsuit in the United States District Court for  
4 the Northern District of California, Case No. 13-cv-01750-JST against Defendants  
5 National Park Service (the “NPS”), *et al.* (collectively “Defendants”);

6 WHEREAS, on July 10, 2013, Plaintiff filed the operative First Amended  
7 Complaint (the “Complaint”) asserting two causes of action: (1) Count 1, for  
8 violation of Section 10(e)(2)(C) of the Administrative Procedure Act (“APA”) (5  
9 U.S.C. § 706(2)(C)); and (2) Count 2, for violation of 10(e)(2)(A) of the APA (5  
10 U.S.C. § 706(2)(A)) (Dkt. 17);

11 WHEREAS, on March 7, 2014, the Court heard cross motions for summary  
12 judgment regarding the issue of whether the NPS has statutory authority and  
13 jurisdiction to prohibit commercial fishing in certain waters of the San Francisco  
14 Bay, an issue determinative of Count 1 and partially determinative of Count 2;

15 WHEREAS, on April 29, 2014, the Court granted Defendants’ motion for  
16 summary judgment and denied Plaintiff’s motion, finding that the NPS has such  
17 authority and jurisdiction (Dkt. 127);

18 WHEREAS, on May 21, 2014, the Court entered judgment for Defendants  
19 and against Plaintiff “on the entirety of Count 1 of the Complaint, and . . . all  
20 portions of Count 2 of the Complaint based on allegations that the NPS exceeded  
21 its statutory jurisdiction or authority by prohibiting commercial fishing in the  
22 waters within GGNRA [(the Golden Gate Recreation Area)]” (Dkt.129);

23 WHEREAS, the aforementioned judgment did not contain an express  
24 determination that there was no just reason for delay and so did not end the action  
25 as to any of the claims or parties; and

26 WHEREAS, the parties have reached an agreement with respect to ending  
27 the action;

1           THEREFORE, IT IS HEREBY STIPULATED by and between the parties,  
2 through their designated counsel, subject to Court approval:

- 3           1. The remaining claims of Plaintiff not heretofore adjudicated or  
4                 dismissed in this action (the remaining portions of Count 2) are hereby  
5                 dismissed without prejudice.
- 6           2. The parties request the Court enter final judgment in favor of Defendants  
7                 in the form submitted herewith.

8           **IT IS SO STIPULATED.**

9 Dated: June 3, 2015.

10   By: /s/ Stuart G. Gross  
11   Stuart G. Gross

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20   *Counsel for Plaintiff*

21   By: /s/ Michael T. Pyle  
22   Michael T. Pyle

23   MICHAEL T. PYLE (CSB No. 172954)  
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34   ENVIRONMENT AND NATURAL

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*Counsel for Defendants*

**ATTORNEY ATTESTATION**

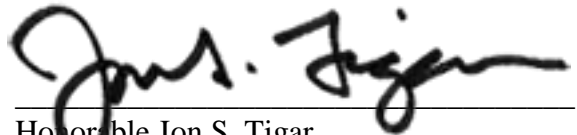
By the electronic signature below, counsel for Plaintiff attests that he is the CM/ECF user whose identification and password are being used to file the instant document, and that pursuant to Civil Local Rule 5-1(i)(3), counsel for Defendants provided their authority to file this document.

By: /s/ Stuart Gross  
Stuart Gross

**ORDER**

Pursuant to the stipulation of the parties, **IT IS SO ORDERED.**

Dated: June 3, 2015

  
\_\_\_\_\_  
Honorable Jon S. Tigar  
United States District Court Judge