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7 Attorneys for Defendants
 KEVIN J. LUNNY and
 8 DRAKES BAY OYSTER COMPANY

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

13 CALIFORNIA RIVER WATCH,
 14 Plaintiff,
 15 v.
 16 KEVIN J. LUNNY; DRAKES BAY OYSTER
 COMPANY; DOES 1-30, inclusive,
 17 Defendants.
 18

Case No. C 14-00598 EMC

**STIPULATION TO DISMISS
 ACTION WITHOUT PREJUDICE
 AND [PROPOSED] ORDER**

19 Pursuant to Federal Rule of Civil Procedure 41, Plaintiff California River Watch
 20 (“Plaintiff”) and Defendants Kevin J. Lunny and Drakes Bay Oyster Company (together “Drakes
 21 Bay”), by and through their respective counsel of record, stipulate to the following:

22 WHEREAS, on October 6, 2014, Drakes Bay and S.M.R. Jewell, in her official capacity
 23 as Secretary of Interior, filed a Stipulated Request for Approval of Settlement and Entry of
 24 Consent Decree (“Settlement”) in the following related action: *Drakes Bay Oyster Company, et*
 25 *al. vs. S.M.R. Jewell, et al.*, Case No. 12-cv-06134 YGR/DMR (N.D. Cal.);

26 WHEREAS, on October 8, 2014, the Hon. Yvonne Gonzalez Rogers issued an order
 27 granting the stipulated request for approval of the Settlement and entry of consent decree;
 28

1 WHEREAS, Plaintiff wishes to dismiss this lawsuit on the ground the terms of the
2 Settlement fully resolve the issues raised by this lawsuit; and

3 WHEREAS, it is agreed that each party will bear its own fees and costs;

4 NOW, THEREFORE, Drakes Bay and Plaintiff respectfully and jointly request that the
5 Court enter the accompanying proposed order dismissing this action without prejudice.

6 Respectfully submitted,

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8 Dated: November 3, 2014

MORRISON & FOERSTER LLP

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11 By: /s/ Christopher J. Carr
CHRISTOPHER J. CARR

12 Attorneys for Defendants
13 KEVIN J. LUNNY and
DRAKES BAY OYSTER COMPANY

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15
16 Dated: November 3, 2014

LAW OFFICE OF JACK SILVER

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19 By: /s/ Jack Silver
JACK SILVER

20 Attorneys for Plaintiff
21 CALIFORNIA RIVER WATCH

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23 **ECF ATTESTATION**

24 I, Christopher J. Carr, hereby attest that Mr. Jack Silver, Esq., concurs in this filing. This
25 attestation is made pursuant to Civil L.R. 5-1(i)(3).

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27 By: /s/ Christopher J. Carr

28 Christopher J. Carr

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[PROPOSED] ORDER

In light of the foregoing stipulation and good cause appearing, the Court hereby GRANTS the parties' stipulated request and hereby dismisses this action without prejudice. Each party shall bear its own fees and costs.

IT IS SO ORDERED.

Dated: 11/5/14

