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 8 *Medical Advocates for Healthy Air, and*  
 9 *Physicians for Social Responsibility – Los Angeles*

10 UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO/OAKLAND DIVISION

13 SIERRA CLUB, CENTER FOR BIOLOGICAL )  
 14 DIVERSITY, WILDEARTH GUARDIANS, )  
 15 MEDICAL ADVOCATES FOR HEALTHY AIR, )  
 16 and PHYSICIANS FOR SOCIAL )  
 RESPONSIBILITY – LOS ANGELES, )

Case No: 3:14-cv-4596-EMC

**STIPULATION OF  
 DISMISSAL WITHOUT  
 PREJUDICE**

17 Plaintiffs, )  
 18 v. )

19 UNITED STATES ENVIRONMENTAL )  
 PROTECTION AGENCY; GINA MCCARTHY, )  
 20 in her official capacity as Administrator of the )  
 United States Environmental Protection Agency; )  
 21 and ALEXIS STRAUSS, in her official capacity )  
 as Acting Regional Administrator of the United )  
 States Environmental Protection Agency, )

22 Defendants, and )  
 23 )

24 SOUTH COAST AIR QUALITY )  
 25 MANAGEMENT DISTRICT, )  
 26 Defendant-Intervenor. )  
 27 )

1                                   **STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

2                   WHEREAS Plaintiffs’ First Amended Complaint alleges that, pursuant to the Clean Air  
3 Act, Defendants United States Environmental Protection Agency; Gina McCarthy, in her  
4 official capacity as Administrator of the United States Environmental Protection Agency; and  
5 Alexis Strauss,<sup>1</sup> in her official capacity as Acting Regional Administrator of Region IX of the  
6 United States Environmental Protection Agency (collectively, “EPA”) was required to make a  
7 finding that California’s Los Angeles-South Coast Air Basin (“South Coast”) had failed to  
8 come into attainment with EPA’s 1997 fine particulate matter pollution standards by the  
9 applicable attainment date;

10                   WHEREAS on July 8, 2016, Defendant determined that the South Coast has attained  
11 the 1997 fine particulate matter pollution National Ambient Air Quality Standards (“NAAQS”)  
12 based on current air quality data, *Final Rule*, 81 Fed. Reg. 48,350 (July 25, 2016);

13                   WHEREAS based on EPA’s Clean Data Determination, Plaintiffs no longer intend to  
14 pursue their claim against EPA for failure to find that the South Coast had failed to come into  
15 attainment with EPA’s 1997 fine particulate matter pollution standards by the applicable  
16 attainment date; and

17                   WHEREAS, if future air quality data show that the South Coast begins to violate the  
18 1997 fine particulate matter pollution standards again, Plaintiffs may decide to pursue available  
19 legal remedies.

20                   THEREFORE, IT IS HEREBY STIPULATED by and between the parties and their  
21 counsel of record that this case shall be dismissed without prejudice pursuant to Fed. R. Civ. P.  
22 41(a)(1)(A)(ii).

23  
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28 \_\_\_\_\_  
<sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), Acting Regional Administrator Alexis Strauss, is substituted  
for the named Regional Administrator, Jared Blumenfeld.

1 Respectfully submitted,

2  
3 Date: July 26, 2016



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26 Dated: 7/26/2016

