

1 Christopher A. Sproul (Bar No. 126398)
 2 Jodene Isaacs (Bar No. 226895)
 ENVIRONMENTAL ADVOCATES
 3 5135 Anza Street
 San Francisco, California 94121
 4 Tel: (415) 533-3376, (510) 847-3467
 Fax: (415) 358-5695
 5 csproul@enviroadvocates.com
 jisaacs@enviroadvocates.com

6 Brian Gaffney (Bar No. 168778)
 7 LAW OFFICES OF BRIAN GAFFNEY APC
 446 Old County Road, Suite 100-310
 8 Pacifica, CA 94044
 Tel: (650) 219-3187
 9 Fax: (650) 733-7793
 10 brian@gaffneylegal.com

11 Patricia Weisselberg (Bar No. 253015)
 12 LAW OFFICE OF PATRICIA WEISSELBERG
 115 Oakdale Avenue
 13 Mill Valley, CA 94941
 Tel: (415) 388-2303
 14 pweisselberg@wans.net

15 Attorneys for Plaintiffs
 16 PACIFICANS FOR A SCENIC COAST,
 PACIFICANS FOR HIGHWAY 1
 17 ALTERNATIVES, and CENTER FOR
 BIOLOGICAL DIVERSITY

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA

20
 21 Pacificans For A Scenic Coast, et al.,

22 Plaintiffs,

23 v.

24 California Department of Transportation, et al.,

25 Defendants.
 26
 27

Civil Case No. 3:15-cv-02090-VC

STIPULATION AND ~~PROPOSED~~
 ORDER TO DISMISS DEFENDANTS
 CITY OF PACIFICA AND SAN MATEO
 COUNTY TRANSPORTATION
 AUTHORITY

1 WHEREAS, Plaintiffs filed their original Complaint on May 8, 2015, and filed an Amended
2 Complaint on June 26, 2015;

3 WHEREAS, the original Complaint named City of Pacifica (the “City”) as a defendant in the
4 fourth claim for relief regarding alleged Clean Water Act violations, but the Amended Complaint
5 omitted any claim for relief against the City and instead alleged that Plaintiffs “joined, pursuant to FRCP
6 19(a)(1),” the City “as a potentially required party who is subject to service of process, who may have an
7 interest relating to the subject of the action, and who is so situated that disposing of the action in the
8 person's absence may as a practical matter impair or impede the person's ability to protect the interest”
9 (¶ 24);

10 WHEREAS, the original Complaint named the San Mateo County Transportation Authority
11 (“TA”) as a defendant in the fourth claim for relief regarding alleged Clean Water Act violations, and
12 alleged TA violations of the Coastal Zone Management Act. But, the Amended Complaint omitted any
13 claim for relief against TA and instead alleged that Plaintiffs “joined, pursuant to FRCP 19(a)(1),” TA
14 “as a potentially required party who is subject to service of process, who may have an interest relating to
15 the subject of the action, and who is so situated that disposing of the action in the person's absence may
16 as a practical matter impair or impede the person's ability to protect the interest” (¶ 23);

17 WHEREAS, it is the position of the City and TA that the Amended Complaint improperly names
18 them as defendants;

19 WHEREAS, the Plaintiffs are willing to dismiss the City and TA provided that all Defendants
20 agree that the City and TA are not indispensable parties to the lawsuit, and that Defendants waive any
21 defense on such grounds;

22 WHEREAS, Defendants waive any defense that the case should be dismissed due to failure to
23 join the City and TA;

24 WHEREAS, all Defendants and Plaintiffs now agree that the City and TA are not indispensable
25 parties;

26 The Plaintiffs and all Defendants thus stipulate, subject to the Court's approval, to the following:

- 27 1. The City of Pacifica and San Mateo County Transportation Authority are not
indispensable parties and are not necessary for the resolution of this matter;

1 2. The City of Pacifica and San Mateo County Transportation Authority shall be dismissed
2 as defendants in this matter.

3 Dated August 6, 2015

4
5 s/Christopher Sproul
6 Christopher A. Sproul (Bar No. 126398)
7 Jodene Isaacs (Bar No. 226895)
8 ENVIRONMENTAL ADVOCATES
9 5135 Anza Street
10 San Francisco, California 94121
11 Tel: (415) 533-3376, (510) 847-3467
12 Fax: (415) 358-5695
13 csproul@enviroadvocates.com
14 jisaacs@enviroadvocates.com

15
16 Brian Gaffney (Bar No. 168778)
17 LAW OFFICES OF BRIAN GAFFNEY APC
18 446 Old County Road, Suite 100-310
19 Pacifica, CA 94044
20 Tel: (650) 219-3187
21 Fax: (650) 733-7793
22 brian@gaffneylegal.com

23
24 Patricia Weisselberg (Bar No. 253015)
25 LAW OFFICE OF PATRICIA WEISSELBERG
26 115 Oakdale Avenue
27 Mill Valley, CA 94941
Tel: (415) 388-2303
pweisselberg@wans.net

Attorneys for Plaintiffs
PACIFICANS FOR A SCENIC COAST,
PACIFICANS FOR HIGHWAY 1
ALTERNATIVES, and CENTER FOR
BIOLOGICAL DIVERSITY

/s/ Stacy Lau
JEANNE SCHERER
DAVID GOSSAGE
LUCILLE Y. BACA
DEREK S. VAN HOFTEN
STACY LAU

Attorneys for Defendants
CALIFORNIA DEPARTMENT OF
TRANSPORTATION and Malcolm Dougherty

/s/ Kevin D. Siegel
Kevin D. Siegel (State Bar No. 194787)
BURKE, WILLIAMS & SORENSEN, LLP

Counsel for Defendant City of Pacifica

/s/ Christopher D. Jensen
Kimon Manolius (SBN 154971)
Christopher D. Jensen (SBN 235108)
Adam W. Hoffman (SBN 238476)
HANSON BRIDGETT LLP
425 Market Street, 26th Floor
San Francisco, California 94105
Telephone: (415) 777-3200
Facsimile: (415) 541-9366
cjensen@hansonbridgett.com

Counsel for San Mateo County Transportation
Authority

JOHN C. CRUDEN
Assistant Attorney General
Environment & Natural Resources Division
SETH M. BARSKY, Chief
S. JAY GOVINDAN, Assistant Chief

/s/ Alison C. Finnegan
ALISON C. FINNEGAN, Trial Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

U.S. Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
Ben Franklin Station, P.O. Box 7611
Washington, DC 20044-7611
Tel: (202) 305-0500; Fax: (202) 305-0275
Email: alison.c.finnegan@usdoj.gov

/s/ Leslie M. Hill

LESLIE M. HILL

U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
Ben Franklin Station, P.O. Box 7611
Washington, DC 20044-7611
Tel: (202) 514-0375; Fax: (202) 514-8865
Email: leslie.hill@usdoj.gov

/s/ Sean C. Duffy

SEAN C. DUFFY

U.S. Department of Justice
Environment & Natural Resources Division
Natural Resources Section
Ben Franklin Station, P.O. Box 7611
Washington, DC 20044-7611
Tel: (202) 305-0445; Fax: (202) 305-0506
Email: sean.c.duffy@usdoj.gov

Attorneys for the Federal Defendants

~~PROPOSED~~ ORDER

Pursuant to stipulation, IT IS HEREBY ORDERED that:

1. The City of Pacifica and San Mateo County Transportation Authority are not indispensable parties and are not necessary for the resolution of this matter;
2. The City of Pacifica and San Mateo County Transportation Authority are dismissed as defendants in this matter.

Dated: August 10, 2015



Hon. Vince Chhabria
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27