

1 Erica A. Maharg (Bar No. 279396)
 2 Nicole C. Sasaki (Bar No. 298736)
 3 SAN FRANCISCO BAYKEEPER
 4 1736 Franklin Street, Suite 800
 5 Oakland, California 94612
 6 Telephone: (510) 735-9700
 7 Facsimile: (510) 735-9160
 8 Email: erica@baykeeper.org
 9 Email: nicole@baykeeper.org

7 Attorneys for Plaintiff
 8 SAN FRANCISCO BAYKEEPER

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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

13 SAN FRANCISCO BAYKEEPER, a non-profit
 14 corporation,

15 Plaintiff,

16 v.

17 JAMES F. TAYLOR dba PINOLE RODEO
 18 AUTO WRECKERS,

19 Defendant.

Civil No. 3:15-cv-05825-MEJ

20 NOTICE OF SETTLEMENT AND
 21 REQUEST TO VACATE TIME TO
 22 RESPOND TO COMPLAINT AND CASE
 23 MANAGEMENT CONFERENCE;
 24 ~~PROPOSED~~ ORDER

(Federal Water Pollution Control Act, 33
 U.S.C. § 1251 *et seq.*)

Honorable Maria-Elena James

1 **TO THE COURT AND TO THE PARTIES:**

2 **PLEASE TAKE NOTICE** that Plaintiff San Francisco Baykeeper and Defendant James F.
3 Taylor dba Pinole Rodeo Auto Wreckers (collectively, the “Parties”) have reached a tentative
4 settlement in this action, which has been executed by the Parties. As required by federal law, a copy
5 of the [Proposed] Settlement Agreement has been sent to the U.S. Department of Justice and to the
6 U.S. Environmental Protection Agency (collectively, the “Agencies”) for a mandatory 45-day review
7 period under 33 U.S.C. § 1365(c)(3) and 40 C.F.R. § 135.5. Copies of the [Proposed] Settlement
8 Agreement will be sent to the Agencies via U.S. Certified Mail on today’s date. Upon expiration of
9 the 45-day review period, Plaintiff will request that the Court (1) approve and execute the [Proposed]
10 Settlement Agreement which provides for continuing Court jurisdiction over any disputes which may
11 arise between the Parties under the agreement, and (2) approve and execute an Order dismissing the
12 Complaint.

13 Therefore, in light of the 45-day statutory review period, which ends on approximately
14 November 3, 2016, Plaintiff requests that the Court vacate from its calendar Defendant’s deadline to
15 respond to the complaint on September 26, 2016, and the December 1, 2016 Case Management
16 Conference and associated deadlines, and issue an order that Plaintiff has until November 15, 2016 to
17 file a request to enter the [Proposed] Settlement Agreement.

18 WHEREFORE, Plaintiff respectfully requests that the Court approve and enter the Proposed
19 Order below.

20 DATE: September 19, 2016

Respectfully Submitted,

21 /s/ Nicole C. Sasaki

22 _____
23 Nicole C. Sasaki
24 Attorneys for Plaintiff
25 SAN FRANCISCO BAYKEEPER
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~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED that Defendant's deadline to respond to the complaint on September 26, 2016 and the Case Management Conference set for December 1, 2016 and all associated deadlines are vacated. The Court sets November 15, 2016 as the deadline for Plaintiff to file a request to enter the ~~Proposed~~ Settlement Agreement.

IT IS SO ORDERED.

Date: September 20, 2016

NORTHERN DISTRICT OF CALIFORNIA



Honorable Maria-Elena James
United States District Court