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

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

15 Plaintiff,

16 v.

17 CITY OF BERKELEY and COMMUNITY  
 18 CONSERVATION CENTERS, INC.,

19 Defendants.

Civil No. 3:16-cv-02065-JSC

**NOTICE OF SETTLEMENT AND  
 REQUEST TO VACATE CASE  
 MANAGEMENT CONFERENCE;  
 [PROPOSED] ORDER**

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

Honorable Jacqueline Scott Corley

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

2           **PLEASE TAKE NOTICE** that Plaintiff San Francisco Baykeeper and Defendants City of  
3 Berkeley and Community Conservation Centers, Inc. (collectively, the “Parties”) have reached a  
4 tentative settlement in this action, which has been executed by the Parties. As required by federal law,  
5 a copy of the [Proposed] Consent Decree 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] Consent Decree  
8 will be sent to the Agencies via U.S. Certified Mail on today’s date. Upon expiration of the 45-day  
9 review period, Plaintiff will request that the Court (1) approve and execute the [Proposed] Consent  
10 Decree which provides for continuing Court jurisdiction over any disputes which may arise between  
11 the parties under the agreement, and (2) approve and execute an Order dismissing the Complaint.

12           Therefore, in light of the 45-day statutory review period, which ends on approximately July 8,  
13 2016, Plaintiff requests that the Court vacate from its calendar the August 4, 2016 Case Management  
14 Conference and associated deadlines, and issue an order that the Parties have until July 15, 2016 to file  
15 a motion to enter the [Proposed] Consent Decree.

16           WHEREFORE, Plaintiff respectfully requests that the Court approve and enter the Proposed  
17 Order below.

18  
19 DATE: May 24, 2016

Respectfully Submitted,

20 /s/ Nicole C. Sasaki

21 \_\_\_\_\_  
22 Nicole C. Sasaki  
23 Attorney for Plaintiff  
24 SAN FRANCISCO BAYKEEPER  
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27  
28

~~[PROPOSED]~~ ORDER

IT IS HEREBY ORDERED that the Case Management Conference set for August 4, 2016 and all associated deadlines are vacated. The Court sets July 15, 2016 as the deadline for Plaintiff to file a motion to enter the [Proposed] Consent Decree. Defendants shall file their consent or declination prior to the submission of proposed Consent Decree.

IT IS SO ORDERED.

Date: May 25, 2016

NORTHERN DISTRICT OF CALIFORNIA

  
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Honorable Jacqueline Scott Corley  
United States District Court