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Attorney for Plaintiff  
CALIFORNIA ENVIRONMENTAL PROTECTION ASSOCIATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA ENVIRONMENTAL  
PROTECTION ASSOCIATION, a California  
corporation,

Plaintiff,

vs.

ZAMARONI QUARRY, INC. dba  
WHEELER ZAMARONI, a California  
corporation, LOUIE ZAMARONI, an  
individual, and DOES 1-10, inclusive,

Defendants.

Case No.: 3:18-cv-00952-RS

**STIPULATION FOR DISMISSAL OF  
PLAINTIFF’S CLAIMS WITH  
PREJUDICE; [PROPOSED] ORDER  
GRANTING DISMISSAL WITH  
PREJUDICE (FRCP 41(a)(2))**

Plaintiff CALIFORNIA ENVIRONMENTAL PROTECTION ASSOCIATION  
 (“CEPA”) and Defendants ZAMARONI QUARRY, INC. dba WHEELER ZMARONI and  
 LOUIE ZAMARONI (“ZAMARONI”), hereby stipulate as follows:

WHEREAS, on February 14, 2018, CEPA filed the Complaint in this matter against  
 Defendant ZAMARONI;

1           WHEREAS, CEPA and ZAMARONI (the “settling parties”), through their authorized  
2 representatives, and without either adjudication of CEPA’s claims or admission by ZAMARONI  
3 of any alleged violation or other wrongdoing, have chosen to resolve in full by way of settlement  
4 the allegations of CEPA as set forth in the Complaint, thereby avoiding the costs and  
5 uncertainties of further litigation;

6           WHEREAS, the Settling Parties submitted the Settlement Agreement via certified mail,  
7 return receipt requested, to the U.S. EPA and the U.S. Department of Justice (the “federal  
8 agencies”) for a 45-day statutory review period, consistent with 33 U.S.C. 1365(c) and 40 C.F.R.  
9 135.5, and that review period has expired. The federal agencies have submitted correspondence  
10 to the Court indicating that they have no objection to the terms of the Settlement Agreement.

11           NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the  
12 Settling Parties that CEPA’s claims, as set forth in its Complaint, be dismissed with prejudice  
13 pursuant to Federal Rule of Civil Procedure 41(a)(2).

14 Dated: July 20, 2018

Respectfully,

17 By:       /s/  Xhavin Sinha        
18           Xhavin Sinha  
19           Attorney for Plaintiff

19 Dated: July 20, 2018

Respectfully,  
Peter L. Simon

22 By:       /s/  Peter L. Simon        
23           Peter L. Simon  
24           Attorney for Defendants

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**ATTESTATION FOR E-FILING**

I hereby attest pursuant to Civil L.R. 5-1(i)(3) that I have obtained concurrence in the filing of this document from the other Signatory prior to filing.

Dated: July 20, 2018

By:     /s/    Xhavin Sinha    

**~~[PROPOSED]~~ ORDER**

Good cause appearing, and the Parties having stipulated and agreed,

IT IS HEREBY ORDERED that Plaintiff California Environmental Protection Association's claims against Defendant Zamaroni Quarry Inc, dba Wheeler Zamaroni and Louie Zamaroni, as set forth in CEPA's Complaint, are hereby dismissed with prejudice.

IT IS SO ORDERED.

Dated:     7/20/18    

  
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Richard Seeborg  
UNITED STATES DISTRICT JUDGE