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7 Attorneys for Plaintiffs
 8 NORTHERN CALIFORNIA RIVER WATCH,
 TEAMSTERS LOCAL 70, and EAST BAY
 9 ALLIANCE FOR A SUSTAINABLE ECONOMY

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 NORTHERN CALIFORNIA RIVER WATCH,
 13 a non-profit corporation; TEAMSTERS
 LOCAL 70, a labor organization; and EAST
 14 BAY ALLIANCE FOR SUSTAINABLE
 ECONOMY, a non-profit organization,

15 Plaintiffs,

16 v.

17 OAKLAND MARITIME SUPPORT
 18 SERVICES, INC., a corporation; WILLIAM
 19 ABOUDI, an individual; JORGE GONZALEZ
 RIVERA d.b.a. CHRISTIAN BROTHERS
 20 TRUCK SERVICES, an individual;
 REDEVELOPMENT AGENCY OF THE CITY
 21 OF OAKLAND, a local public agency; and the
 22 CITY OF OAKLAND, a municipality,

23 Defendants.

Case No.: 4:10-cv-3912 CW-JSC

**STIPULATION TO DISMISS
 PLAINTIFF’S CLAIMS; [~~PROPOSED~~]
 ORDER GRANTING DISMISSAL WITH
 PREJUDICE**

[FRCP 41(a)(2)]

Hon. Chief Judge Claudia Wilken

24 WHEREAS, on or about February 17, 2010, Plaintiff Northern California River Watch
 25 (“NCRW”) provided Oakland Maritime Support Services, Inc. (“OMSS”), William Aboudi, and
 26 a number of OMSS subtenants with a Notice of Violation and Intent to File Suit (“60-Day Notice
 27
 28

1 Letter”) under Section 505 of the Federal Water Pollution Control Act (the “Act” or “Clean
2 Water Act”), 33 U.S.C. § 1365;

3 WHEREAS, on August 31, 2010, NCRW filed its Complaint in the United States District
4 Court for the Northern District of California against OMSS, William Aboudi, and Jorge
5 Gonzalez Rivera d.b.a. Christian Brothers Truck Services (“Christian Brothers”) (*Northern*
6 *California River Watch v. Oakland Maritime Support Services, Inc., et al.*, Case No. 4:10-cv-
7 3912 CW-JSC);

9 WHEREAS, on or about September 2, 2010, NCRW, Teamsters Local 70, and East Bay
10 Alliance For Sustainable Economy (“E-BASE”) (collectively “Plaintiffs”) provided OMSS,
11 William Aboudi, Christian Brothers, Redevelopment Agency of the City of Oakland, the City of
12 Oakland (“City”), the City’s Community and Economic Development Agency, and others with
13 an additional Notice of Violation and Intent to File Suit under Section 505 of the Clean Water
14 Act;

16 WHEREAS, on November 2, 2010, Plaintiffs filed a First Amended Complaint adding
17 the Redevelopment Agency, the City, and the Community and Economic Development Agency
18 as defendants;

19 WHEREAS, on February 23, 2011, Plaintiffs voluntarily dismissed the City and the
20 Community and Economic Development Agency as defendants in the action;

22 WHEREAS, the Redevelopment Agency has, by operation of statute, been replaced in
23 this litigation by the Oakland Redevelopment Successor Agency;

24 WHEREAS, on October 23, 2013, the Parties and the City filed a stipulation to add the
25 City back in as a defendant in this action.

26 WHEREAS, Plaintiffs and Defendants, through their authorized representatives and
27 without adjudication of Plaintiffs’ claims, have chosen to resolve in full by way of settlement the
28

1 allegations of Plaintiffs as set forth in the Notices and First Amended Complaint, thereby
2 avoiding the costs and uncertainties of further litigation. A copy of the Settlement Agreement
3 and Release of Claims (“Settlement Agreement”), without the attached exhibits, entered into by
4 and between Plaintiffs and Defendants is attached hereto as Exhibit 1 and incorporated by
5 reference.
6

7 WHEREAS, the parties submitted the Settlement Agreement via certified mail, return
8 receipt requested, to the U.S. EPA and the U.S. Department of Justice and the 45-day review
9 period set forth at 40 C.F.R. § 135.5 has been completed, and the Court has granted the parties'
10 motion to approve the settlement.

11 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
12 parties that Plaintiffs’ claims, as set forth in the Notices and Complaint, be dismissed with
13 prejudice. The parties respectfully request an order from this Court dismissing such claims with
14 prejudice. In accordance with paragraphs 4 and 19 of the Settlement Agreement, the parties also
15 request that this Court maintain jurisdiction over the parties, for the sole purpose of resolving any
16 disputes between the parties with respect to enforcement of any provision of the Settlement
17 Agreement.
18

19 Dated: March 18, 2014

20 */s/ Michael R. Lozeau*

21 _____
MICHAEL R. LOZEAU
Attorney for Plaintiffs

22 Dated: March 18, 2014

23 */s/ Meredith E. Brown*

24 _____
(as authorized on 3/18/2014)
MEREDITH E. BROWN
Attorney for Defendants
OAKLAND MARITIME SUPPORT
SERVICES, INC. and WILLIAM ABOUDI

1 Dated: March 18, 2014

2 /s/ Robert Doty

3 (as authorized on 3/18/2014)
4 ROBERT DOTY
5 Attorney for Defendant
6 OAKLAND REDEVELOPMENT
7 SUCCESSOR AGENCY and CITY OF
8 OAKLAND

9 ~~PROPOSED~~ ORDER

10 Good cause appearing, and the parties having stipulated and agreed,

11 IT IS HEREBY ORDERED that Plaintiffs Northern California River Watch's, Teamsters
12 Local 70's, and East Bay Alliance For Sustainable Economy's claims against Defendants
13 Oakland Maritime Support Services, Inc., William Aboudi, Jorge Gonzalez Rivera d.b.a.
14 Christian Brothers Truck Services, Oakland Redevelopment Successor Agency, and the City of
15 Oakland, as set forth in the Notices and First Amended Complaint filed in Case No. 4:10-cv-
16 3912 CW-JSC, are hereby dismissed with prejudice.

17 IT IS FURTHER ORDERED that the Court shall retain jurisdiction over the parties for
18 the sole purpose of enforcing compliance by the parties of the terms of the Settlement
19 Agreement, attached to the parties' Stipulation to Dismiss as Exhibit 1.

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 Dated: March 19, 2014

23 
24 Hon. Claudia Wilken
25 United States District Chief Judge