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6 Attorneys for Redwood Empire Disposal
Sonoma County, Inc.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 REDWOOD EMPIRE DISPOSAL) CASE NO. C 10-05736 LB
11 SONOMA COUNTY, INC., a California)
corporation,)
12)
Plaintiff,)

13 vs.)

14 CURTIS J. MICHELINI, an individual;)
HARRY A. HARDIN, SR., an individual;)
15 GLOBAL MATERIALS RECOVERY)
SERVICES, INC., a California)
16 corporation; INDUSTRIAL CARTING,)
form of entity unknown; and DOES ONE)
17 through FIFTY, inclusive,)

18 Defendants.)
19)
20)

**STIPULATION FOR THE
FILING OF THE FIRST
AMENDED COMPLAINT AND
FOR REMAND TO STATE
COURT; AND ORDER
THEREON**

21 **IT IS HEREBY STIPULATED** among the parties to this action, acting through
22 their attorneys, as follows:

23 1. The court may enter its order permitting the filing of plaintiff's First
24 Amended Complaint in the form attached to this stipulation as Exhibit A.

25 2. Following the filing of the First Amended Complaint, the court may enter its
26 order remanding this matter to the Superior Court of the State of California for the County of

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1 Sonoma by executing an order in the form attached as Exhibit B to this stipulation, or such
2 other order adopted by the court.

3 3. Plaintiff has abandoned all claims of unfair business practice based upon
4 alleged violations of the Clean Water Act. Plaintiff will not by amendment to the existing
5 complaint following remand or otherwise again assert that the actions of defendants
6 described in the First Amended Complaint are violations of the Clean Water Act unless
7 plaintiff first complies with all relevant notice requirements contained in the Clean Water
8 Act.

9 DATED: February 17, 2011 CLEMENT, FITZPATRICK & KENWORTHY

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14 DATED: February 24, 2011

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CLEMENT, FITZPATRICK & KENWORTHY

By

CLAYTON E. CLEMENT
Attorneys for Plaintiff

GIDEON KRACOV

Attorney for Defendants Curtis J. Michelini, Harry A.
Hardin, Global Materials Recovery Services, Inc., dba
Industrial Carting

ORDER

19 Based on the foregoing stipulation and good cause appearing, it is hereby ordered:

20 1. Plaintiff shall be entitled to file its First Amended Complaint in the form
21 attached as Exhibit A.

22 2. The stipulation of the parties relative to plaintiff's claims under the Clean
23 Water Act is approved.

24 3. The court shall make a separate order remanding the matter to the Sonoma
25 County Superior Court.

26 DATED: March 1, 2011

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MAGISTRATE LAUREL BEELER

