

1 Erica A. Maharg (Bar No. 279396)
 2 Nicole C. Sasaki (Bar No. 298736)
 3 SAN FRANCISCO BAYKEEPER
 4 1736 Franklin St., 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

10 Attorneys for Plaintiff
 11 SAN FRANCISCO BAYKEEPER

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 OAKLAND DIVISION

15 SAN FRANCISCO BAYKEEPER, a non-profit
 16 corporation,

17 Plaintiff,

18 v.

19 GRANITE ROCK COMPANY, a California
 20 corporation,

21 Defendant.

Civil No. 4:16-cv-01089-KAW

NOTICE OF SETTLEMENT AND
 STIPULATION TO VACATE TIME TO
 RESPOND TO COMPLAINT AND CASE
 MANAGEMENT CONFERENCE;
~~PROPOSED~~ ORDER

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

Honorable Kandis A. Westmore

1 TO THE COURT AND TO THE PARTIES:

2 PLEASE TAKE NOTICE that Plaintiff San Francisco Baykeeper (“Baykeeper”) and Defendant
3 Granite Rock Company (“Granite Rock”) (collectively, the “Parties”) have reached a tentative
4 settlement in this action, which has been executed by the Parties. As required by federal law, copies of
5 the [Proposed] Consent Decree have been sent via U.S. Certified Mail to the U.S. Department of Justice
6 and U.S. Environmental Protection Agency (collectively, the “Agencies”) for a mandatory 45-day
7 review period under 33 U.S.C. § 1365(c)(3) and 40 C.F.R. § 135.5. Upon expiration of the 45-day
8 review period, the Parties will request that the Court (1) approve and execute the [Proposed] Consent
9 Decree, which provides continuing Court jurisdiction over any disputes which may arise between the
10 Parties under the agreement, and (2) approve and execute an Order dismissing the Complaint with
11 prejudice.

12 Therefore, in light of the settlement and 45-day statutory review period, which ends on
13 approximately November 25, 2016, the Parties respectfully request that the Court vacate from its
14 calendar Defendant’s deadline to respond to the complaint on October 14, 2016, and the October 25,
15 2016 Case Management Conference and associated deadlines, and issue an order that Plaintiff has until
16 December 9, 2016 to file a request to enter the [Proposed] Consent Decree.

17 WHEREFORE, the Parties respectfully request that the Court approve and enter the [Proposed]
18 Order below.

19 DATE: October 12, 2016

Respectfully submitted,

SAN FRANCISCO BAYKEEPER

/s/ Nicole C. Sasaki

Nicole C. Sasaki
Attorneys for Plaintiff
SAN FRANCISCO BAYKEEPER

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DATE: October 12, 2016

GRANITE ROCK COMPANY

By: /s/ Gregory O'Hara
GREGORY O'HARA
Attorney for Defendant
GRANITE ROCK COMPANY

I attest that concurrence in the filing of this document has been obtained from Gregory O'Hara for Granite Rock.

DATE: October 12, 2016

SAN FRANCISCO BAYKEEPER

By: /s/ Nicole C. Sasaki
NICOLE C. SASAKI
Attorney for Plaintiff
SAN FRANCISCO BAYKEEPER

