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14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 ECOLOGICAL RIGHTS FOUNDATION,  
 17  
 Plaintiff,  
 18 v.  
 19 SCHMIDBAUER LUMBER, INC. and  
 20 SCHMIDBAUER BUILDING SUPPLY, LLC,  
 21 Defendants.

CASE NO. 4:16-cv-07401-HSG  
 NOTICE OF SETTLEMENT;  
 STIPULATION TO VACATE CASE  
 MANAGEMENT CONFERENCE;  
 ORDER

1 **TO THE CLERK OF THE COURT, ANY INTERESTED PARTIES, AND THEIR**  
2 **ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that Plaintiff, Ecological Rights Foundation, and Defendants,  
4 Schmidbauer Lumber, Inc. and Schmidbauer Building Supply, LLC, (collectively, the “Parties”)  
5 have reached settlement in the above-captioned case and are in the process of executing a  
6 [Proposed] Consent Decree. Final settlement is contingent upon the federal agencies’ 45-day  
7 review period of the [Proposed] Consent Decree described below.

8 PLEASE TAKE FURTHER NOTICE that, in accordance with federal law, no judgment  
9 disposing of this action may be entered prior to forty-five (45) days following the receipt of the  
10 proposed settlement by the United States Department of Justice and the national and Region IX  
11 offices of the United States Environmental Protection Agency (“federal agencies”). (*See* 33  
12 U.S.C. §1365(c); 40 C.F.R. § 135.5.) Plaintiff will provide the [Proposed] Consent Decree to the  
13 federal agencies for review. Upon notice of non-objection, or the expiration of the 45-day period,  
14 the parties will file a Stipulation for Approval of Consent Decree and Dismissal of Plaintiff’s  
15 Claims with Prejudice. Should the federal agencies object to the settlement, or the Parties cannot  
16 informally resolve any concerns raised by the federal agencies, a Notice that the settlement is null  
17 and void will be submitted.

18 PLEASE TAKE FURTHER NOTICE that the Parties agree to vacate the Case  
19 Management Conference currently scheduled for May 10, 2017 at 2:00 p.m. The Parties have  
20 settled this case on mutually agreeable terms, and wish to avoid the unnecessary cost of appearing  
21 at the CMC.

22 NOW THEREFORE, for the reasons set forth above, the Parties hereby stipulate, and  
23 respectfully request, that the Court enter an order vacating the Case Management Conference  
24 currently scheduled for May 10, 2017 at 2:00 p.m. as they execute the final Consent Decree and  
25 prepare it for the federal agencies’ 45-day review.

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27 RESPECTFULLY SUBMITTED,

