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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13 SAN FRANCISCO BAYKEEPER, a non-profit
 14 corporation,

15 Plaintiff,

16 v.

17 MUOI PHAN dba B2 AUTO DISMANTLER,

18 Defendant.

Civil No. 5:15-cv-00208

NOTICE OF SETTLEMENT AND
 REQUEST TO VACATE CASE
 MANAGEMENT CONFERENCE

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

Magistrate Judge Paul S. Grewal

1 TO THE COURT AND TO THE PARTIES:

2 PLEASE TAKE NOTICE that Plaintiff San Francisco Baykeeper (“Baykeeper”) and
3 Defendant Muoi Phan dba B2 Auto Dismantler (“B2 Auto”) (collectively, the “Parties”) have reached
4 a tentative settlement in this action, which was executed by the Parties. As required by 33 U.S.C.
5 section 1365(c)(3) and 40 C.F.R. section 135.5, a copy of the [Proposed] Consent Decree has been
6 sent to the U.S. Department of Justice and the U.S. Environmental Protection Agency (collectively, the
7 “Agencies”) for a mandatory 45-day review period. Copies of the [Proposed] Consent Decree were
8 sent to the Agencies via U.S. Certified Mail on January 21, 2015. Upon expiration of the 45-day
9 review period, the Parties will request that the Court (1) approve and execute the [Proposed] Consent
10 Decree, which provides for continuing Court jurisdiction over any disputes which may arise between
11 the Parties under the agreement, and (2) approve and execute an Order dismissing the Complaint with
12 prejudice.

13 In light of the 45-day statutory review period, which ends on or about March 8, 2015,
14 Baykeeper respectfully requests that the Court vacate from its calendar the Case Management
15 Conference scheduled for May 12, 2015 and associated deadlines, and issue an order that the Parties
16 have until March 18, 2015 to file a motion to enter the [Proposed] Consent Decree.

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

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20 Dated: January 22, 2015

Respectfully Submitted,

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22 /s/ Erica A. Maharg

23 _____
24 Erica A. Maharg
25 Attorney for Plaintiff
26 SAN FRANCISCO BAYKEEPER
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~~PROPOSED~~ ORDER

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IT IS HEREBY ORDERED that the Case Management Conference set for May 12, 2015 and all associated deadlines are vacated. The Court sets March 18, 2015 as the deadline for the Parties to file a motion to enter the [Proposed] Consent Decree.

IT IS SO ORDERED

NORTHERN DISTRICT OF CALIFORNIA

Date: January 30, 2015

Paul S. Grewal

Magistrate Judge Paul S. Grewal