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9 Attorneys for Plaintiff  
10 California Sportfishing Protection Alliance

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 CALIFORNIA SPORTFISHING  
14 PROTECTION ALLIANCE, a non-profit  
15 corporation;

16 Plaintiff,

17 vs.

18 PETALUMA LIVESTOCK AUCTION  
19 YARD, INC., a corporation, and  
20 MANUEL A. BRAZIL, an individual;  
21 LAWRENCE JOHNSON; and  
22 GREENKO, INC.

23 Defendants.

Case No. C-06 6725 CW

STIPULATION TO DISMISS PLAINTIFF'S  
CLAIMS WITH PREJUDICE; ORDER  
GRANTING DISMISSAL WITH PREJUDICE  
[FRCP 41(a)(2)]

24 **WHEREAS**, beginning on or about August 1, 2006, CSPA provided notice of  
25 alleged violations of the General Permit by Defendants and of CSPA's intention to file  
26 suit against Defendants ("Notice") under the Clean Water Act §505, 33 U.S.C. §1365;

27 **WHEREAS**, on October 30, 2006 CSPA filed its Complaint in this action, entitled  
28 *California Sportfishing Protection Alliance v. Petaluma Livestock Auction Yard, et al.*, Case No.  
C-06 6725 CW;

**WHEREAS**, CSPA and Defendants, through their authorized representatives and without  
either adjudication of CSPA's claims or admission by Defendants of any alleged violation or  
STIPULATION TO DISMISS WITH PREJUDICE; CASE NO. C-06 6725 CW

1 other wrongdoing, have chosen to resolve in full by way of settlement the allegations of CSPA as  
2 set forth in the Notice and Complaint, thereby avoiding the costs and uncertainties of further  
3 litigation;

4 **WHEREAS**, a copy of the Consent Judgment entered into by and between CSPA and  
5 Defendants is attached hereto as Exhibit A and incorporated by reference;

6 **WHEREAS**, on or about June 4, 2007, the parties submitted the Consent Judgment via  
7 certified mail, return receipt requested, to the U.S. EPA and the U.S. Department of Justice and  
8 each of these agencies has confirmed its receipt of same effective June 11<sup>th</sup>;

9 **NOW THEREFORE, IT IS HEREBY STIPULATED** and agreed to by and between  
10 the parties that CSPA's claims, as set forth in the Notice and Complaint, be dismissed with  
11 prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) upon the expiration of the 45-day  
12 review period set forth at 40 C.F.R. § 135.5. The parties respectfully request an order from this  
13 Court dismissing such claims with prejudice. In accordance with paragraph 12 of the Consent  
14 Judgment, the parties also request that this Court retain and have jurisdiction over the Parties with  
15 respect to disputes arising under the agreement.

16  
17 Dated: \_\_\_\_\_

LAW OFFICES OF ANDREW L. PACKARD

18  
19 By: \_\_\_\_\_  
20 Andrew L. Packard  
21 Attorney for Plaintiff

22 Dated: \_\_\_\_\_

POLLOCK & JAMES

23 By: \_\_\_\_\_  
24 Mark Pollock  
25 Attorney for Defendants

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28 STIPULATION TO DISMISS WITH PREJUDICE;

CASE NO. C-06 6725 CW

[PROPOSED] ORDER

**ORDER**

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

**IT IS HEREBY ORDERED** that Plaintiff California Sportfishing Protection Alliance’s claims herein are hereby dismissed with prejudice.

**IT IS FURTHER ORDERED** that the Court shall retain and have jurisdiction over the Parties with respect to disputes arising under the agreement attached to the parties’ Stipulation to Dismiss as Exhibit A.

8/1/07

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States District Court Judge