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13 Attorneys for Defendant Clover Flat Land Fill Inc.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

18 CALIFORNIA SPORTFISHING
 19 PROTECTION ALLIANCE, a non-profit
 corporation,

20 Plaintiff,

21 v.

22 CLOVER FLAT LAND FILL INC., a
 23 California corporation

24 Defendant.
 25

Civil No. 3:22-cv-04704-LB
 NOTICE OF SETTLEMENT; JOINT
 STIPULATION TO VACATE EXISTING
 CASE DEADLINES

Honorable Judge Laurel Beeler

26 **PLEASE TAKE NOTICE** that the parties have reached a settlement resolving all claims in
 27 this action. The settlement is contingent upon the expiration of the federal agencies' 45-day review
 28

1 period required by the Federal Water Pollution Control Act, 33 U.S.C. § 1365(c)(2).¹

2 **PLEASE TAKE FURTHER NOTICE** that, in accordance with federal law, no judgment
3 disposing of this action may be entered prior to 45 days following the receipt of the proposed
4 settlement agreement by the United States Department of Justice and the national and Region IX
5 offices of the United States Environmental Protection Agency. *See* 40 C.F.R. § 135.5 (requiring the
6 parties to provide notice to the court of the 45-day agency review period under 33 U.S.C. § 1365(c)).
7 Such notice is being mailed to the agencies on January 13, 2023. Given approximately 10 days for
8 the mailing and processing of receiving the settlement, the regulatory agencies' review period will
9 end by approximately March 9, 2023. If any of the reviewing agencies object to the proposed
10 Settlement Agreement, the parties would require additional time to meet and confer and attempt to
11 resolve the agencies' concerns. At the end of the 45-day review period, the parties will file either a
12 Request for Entry of the Proposed Consent Decree or a notice that the agencies objected to the
13 Proposed Consent Decree.
14
15

16 In light of the settlement agreement entered into by the parties and the need to await the
17 conclusion of the agencies' 45-day review period, the parties, through their respective counsel,
18 stipulate and agree as follows:
19

20 **WHEREAS**, on August 16, 2022, Plaintiff filed its Complaint initiating this action;

21 **WHEREAS**, the parties successfully completed and executed a Proposed Consent Judgment
22 on January 12, 2023;

23 **WHEREAS**, on January 13, 2023, Plaintiff submitted the Proposed Consent Judgment via
24
25

26 _____
27 ¹ Title 33 of the United States Code, Section 1365(c)(2) provides that “[n]o consent judgment shall
28 be entered in an action in which the United States is not a party prior to 45-days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator.”

1 certified mail, return receipt requested, to the U.S. EPA and the U.S. Department of Justice and must
2 now await the completion of the 45-day review period set forth at 40 C.F.R. § 135.5 and 33 U.S.C. §
3 1365(c)(2);

4 **WHEREAS**, in light of the parties' entering into the Proposed Consent Judgment and the
5 need to allow the federal agencies 45 days to review the Settlement Agreement, the parties further
6 request that the Court immediately stay all proceedings in this action until March 31, 2023 by which
7 date the parties expect to have filed a Request for Entry of Proposed Consent Decree with the Court.
8

9 **THEREFORE, IT IS HEREBY STIPULATED** by and between the parties, through their
10 respective counsel of record, that the Court stay all proceedings in this action until March 31, 2023,
11 and, with the exception of this Stipulation, vacate all deadlines and dates currently scheduled by the
12 Court.
13

14 Dated: January 13, 2023

LOZEAU DRURY LLP

16 /s/ Michael R. Lozeau

17 Michael R. Lozeau

18 Attorneys for Plaintiff

19 CALIFORNIA SPORTFISHING PROTECTION
20 ALLIANCE*

21 Dated: January 13, 2023

BRADY & VINDING

22 /s/ Michael E. Vinding

23 Michael E. Vinding

24 Attorneys for Defendant

CLOVER FLAT LAND FILL INC.

25 *Pursuant to Northern District Local Rule 5-1 (h)(3), the filer of this document attests that all other
26 signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have
27 authorized the filing.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, a non-profit
corporation,

Plaintiff,

v.

CLOVER FLAT LAND FILL INC., a
California corporation

Defendant.

Civil No. 3:22-cv-04704-LB
[PROPOSED] ORDER VACATING
EXISTING CASE DEADLINES

Honorable Judge Laurel Beeler

[PROPOSED] ORDER

Good cause appearing, and the parties having stipulated and agreed, IT IS HEREBY
ORDERED that any and all existing deadlines and obligations in this case, including the service and
filing of responsive pleadings and the pending case management conference, are vacated, and IT IS
FURTHER ORDERED that further proceedings in this action are stayed until March 31, 2023, by
which date the parties, Plaintiff California Sportfishing Protection Alliance and Defendant Clover
Flat Land Fill Inc., shall file a joint request for the Court to enter the proposed Consent Decree.
PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2023

Magistrate Judge Laurel Beeler
United States Magistrate Judge