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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

15 GOLDEN GATE SALMON
16 ASSOCIATION, *et al.*,

17 Plaintiffs,

18 v.

19 ROSS, *et al.*,

20 Defendants

21 and

22 STATE WATER CONTRACTORS, *et al.*,

23 Defendant-Intervenors

Case No. 1:17-cv-01172-LJO-EPG

Stipulation of Voluntary Dismissal of Case

RECITALS

WHEREAS, on June 29, 2017, Plaintiffs Golden Gate Salmon Association, Defenders of Wildlife, Natural Resources Defense Council, Inc., and Bay.org. (together, Plaintiffs), filed a complaint against the National Marine Fisheries Service (NMFS), Acting Administrator for Fisheries at the National Oceanic and Atmospheric Administration, and Secretary of Commerce (together, Defendants), alleging that NMFS’s June 16, 2017 Biological Opinion for the California WaterFix project (WaterFix) violated the Administrative Procedure Act (APA), 5 U.S.C. § 706;

WHEREAS, on May 9, 2019, NMFS formally withdrew its Biological Opinion for WaterFix, and the parties agree that the Biological Opinion has no legal force or effect;

WHEREAS because the Biological Opinion is withdrawn, Plaintiffs’ APA claim against Defendants challenging the Biological Opinion is moot; and

WHEREAS Federal Rule of Civil Procedure 41 permits a plaintiff to dismiss an action without court order “by filing . . . a stipulation of dismissal signed by all parties who have appeared,” Fed. R. Civ. P. 41(a)(1)(A)(ii).

STIPULATION

IT IS HEREBY STIPULATED by and between all parties who have appeared in the above-titled action, through their respective attorneys of record, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that:

1. The June 16, 2017 NMFS Biological Opinion for WaterFix has been withdrawn and has no legal force or effect;
2. Plaintiffs dismiss without prejudice the action in its entirety;
3. This dismissal is without an award of attorneys’ fees, interests, or costs to any party, and each side will bear their own attorney’s fees and costs.

1 DATED: May 10, 2019

/s/ Jolie McLaughlin
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9 DATED: May 10, 2019

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16 DATED: May 10, 2019

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22 DATED: May 10, 2019

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1 DATED: May 10, 2019

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **Stipulation of Voluntary Dismissal of Case** with the Clerk of the Court for the United States District Court for the Eastern District of California by using the CM/ECF system. All participants in the case are registered CM/ECF users and will be served by the CM/ECF system.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed this May 10, 2019, in Denver, Colorado.

/s/ Lesley Lawrence-Hammer

Lesley Lawrence-Hammer