

HON. JOHN C. COUGHENOUR

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**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff;

v.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,**

Defendants.

Case No. 2:09-cv-00670-JCC

**NOTICE OF VOLUNTARY DISMISSAL
[Fed. Rule Civ. P. 41(a)(1)]**

Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiff Center for Biological Diversity voluntarily dismisses its Complaint against Defendants United States Environmental Protection Agency, Lisa Jackson (Administrator of the United States Environmental Protection Agency), and Michelle Pirzadeh (Acting Regional Administrator of Region 10 of the United States Environmental Protection Agency). Plaintiff’s Complaint alleged that Defendants had failed to comply with the Clean Water Act, 33 U.S.C. §§ 1251, *et seq.*, and the Administrative Procedure Act, 5 U.S.C. §§ 701, *et seq.*, by arbitrarily and unlawfully approving Washington’s list of impaired waters under 33 U.S.C. § 1313(d) because the list failed to identify certain ocean waters as impaired by ocean acidification. On March 10, 2010, the Parties entered into a settlement agreement. Pursuant to that

1 agreement, Plaintiff voluntarily dismisses the claims raised in the Complaint without prejudice,
2 with the exception of claims for costs of litigation, including attorneys' fees, costs and/or
3 expenses, asserted in connection with the litigation, which Plaintiff dismisses with prejudice.

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5 DATE: March 11, 2010

Respectfully submitted,

6 /s/ Christopher Winter
7 _____

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Attorneys for Plaintiff Center for Biological
Diversity

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2010, I electronically filed the foregoing *Notice of Voluntary Dismissal* with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

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U.S. Department of Justice
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/s/ Christopher Winter

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