## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

C. BERNARD FOWLER, et al

Plaintiffs

v.

CIVIL ACTION No. 1:09-cv-00005 CKK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al

Defendants

**ORDER** 

This matter comes before the Court on Plaintiffs C. Bernard Fowler, *et al.* 's (collectively "Plaintiffs") [38] Motion to Dismiss pursuant to Fed. R. Civ. P. 41(a)(2). Having considered the Motion, and the Settlement Agreement at issue, the Court has determined that it should be granted.

Accordingly, it is <u>19</u> day of May, 2010,

**ORDERED** that Plaintiffs' [38] Motion to Dismiss is hereby GRANTED. The above-captioned matter is hereby dismissed without prejudice, subject to the following conditions:

(1) Plaintiffs shall be barred from reinstituting the above-captioned lawsuit except pursuant to the terms and on the conditions specified in the Settlement Agreement as set out in "Section V, Releases, Dismissal and Remedies."

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(2) Except as specified in Paragraph (1), and as further specified in the Settlement

Agreement, EPA does not waive or limit any defenses relating to any reinstituted suit.

SO ORDERED.

Date

COLLEEN KOLLAR-KOTELLY

**United States District Judge**