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11 SAN DIEGO GAS & ELECTRIC COMPANY

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13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA (SAN DIEGO)**

15
16 THE PROTECT OUR COMMUNITIES
FOUNDATION, *et al.*,

17 Plaintiffs,

18 v.

19 UNITED STATES DEPARTMENT OF
20 AGRICULTURE, *et al.*,

21 Defendants, and

22 SAN DIEGO GAS & ELECTRIC
COMPANY,

23 Intervenor-Defendant.
24

CASE NO. 3:11-CV-00093-BEN-BGS

**JOINT MOTION RE:
VOLUNTARY DISMISSAL
PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 41(a)(1)**

Before the Hon. Roger T. Benitez

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1) and Local Civil
2 Rule 7.2, Plaintiffs, Federal Defendants, and Intervenor-Defendant San Diego Gas
3 & Electric Company (“SDG&E”) hereby stipulate to the following and based
4 thereon, respectfully jointly move for this Court’s order approving this stipulation
5 and dismissing this case:

6 WHEREAS, Plaintiffs filed the Complaint in this action on January
7 14, 2011;

8 WHEREAS, this case has remained inactive since August 8, 2012, the
9 date on which the Ninth Circuit Court of Appeals issued its Mandate following its
10 denial of Plaintiffs’ motion for an injunction pending appeal;

11 WHEREAS, this Court has scheduled a hearing for November 4,
12 2013, to consider whether dismissal of this matter for want of prosecution is
13 warranted under Local Civ. R. 41.1;

14 WHEREAS, dismissal would serve both the public’s and the parties’
15 interests in expeditious resolution of litigation, and this Court’s need to manage its
16 docket; and

17 WHEREAS, to facilitate an expeditious resolution and conserve the
18 Court’s resources, the parties have agreed to the stipulated voluntary dismissal of
19 this action without prejudice pursuant to Fed. R. Civ. P. 41(a)(1);
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1 NOW THEREFORE, the parties, through their respective undersigned
2 counsel, stipulate that this action shall be dismissed without prejudice pursuant to
3 Fed. R. Civ. P. 41(a)(1), all parties to bear their own attorneys' fees and costs.

4 **IT IS SO AGREED AND STIPULATED.**

5 Respectfully submitted this 24th day of October, 2013.

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For Plaintiffs:

/s/ Stephan C. Volker
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For Intervenor-Defendant:

/s/ Janice M. Schneider
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Latham & Watkins LLP

For Federal Defendants:

/s/ David B. Glazer
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United States Department of Justice

ATTESTATION

I hereby attest that the other signatories listed, on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Executed on October 24, 2013, at Los Angeles, California.

s/ Janice M. Schneider
janice.schneider@lw.com

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 355 South Grand Avenue, Los Angeles, CA 90071-1560.

On **October 24, 2013**, I served the following documents described as:

JOINT MOTION RE: VOLUNTARY DISMISSAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)

by serving a true copy of the above-described document in the following manner:

BY ELECTRONIC FILING

I electronically filed the above-described document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the e-mail addresses registered in the above titled action. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose discretion the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

<p>David B. Glazer United States Department of Justice Environmental and Natural Resources Division Natural Resources Section 301 Howard Street, Suite 1050 San Francisco, CA 94105 David.Glazer@usdoj.gov</p>	<p>Attorney for Federal Defendants</p>
<p>Stephan C. Volker Law Offices of Stephan C. Volker 436 14th Street, Suite 1300 Oakland, CA 94612 svolker@volkerlaw.com</p>	<p>Attorney for Plaintiffs</p>

Executed on **October 24, 2013**, at Los Angeles, California.

/s/ Benjamin J. Hanelin
Benjamin J. Hanelin

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