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11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 OAKLAND DIVISION

15 SAVE OUR COUNTY, COMMUNITY IN-  
POWER AND DEVELOPMENT  
16 ASSOCIATION INC., UNITED  
CONGREGATIONS OF METRO EAST, and  
17 SIERRA CLUB,

18 Plaintiffs,

19 vs.

Case No.: 4:20-cv-01267-SBA

20 UNITED STATES DEFENSE LOGISTICS  
AGENCY, DARRELL K. WILLIAMS, in his  
21 official capacity as Director of the Defense  
Logistics Agency, UNITED STATES  
22 DEPARTMENT OF DEFENSE, MARK T.  
ESPER, in his official capacity as Secretary of the  
23 Department of Defense, HERITAGE  
ENVIRONMENTAL SERVICES, LLC, and  
24 TRADEBE TREATMENT AND RECYCLING,  
LLC,

25 Defendants.

**STIPULATION OF DISMISSAL WITH  
PREJUDICE OF DEFENDANT TRADEBE  
TREATMENT AND RECYCLING, LLC**

1 WHEREAS on February 20, 2020, Plaintiffs Save Our County, Community In-Power and  
2 Development Association Inc., United Congregations of Metro East, and Sierra Club (“Plaintiffs”)  
3 filed their Complaint in this matter naming Defendants United States Defense Logistics Agency,  
4 Darrell K. Williams, United States Department of Defense, Mark T. Esper (“Federal Defendants”),  
5 and Defendants Heritage Environmental Services, LLC, and Tradebe Treatment and Recycling, LLC  
6 (“Contractor Defendants”);

7 WHEREAS Plaintiffs alleged, among other things, that the Defense Logistics Agency  
8 (“DLA”) approved and entered into two contracts with Contractor Defendant Tradebe Treatment and  
9 Recycling, LLC (“Tradebe”) for the retrieval, transport, and incineration of aqueous film forming  
10 foam (the “Tradebe Contracts”) without first undertaking the appropriate environmental review;

11 WHEREAS Plaintiffs’ demands for relief included the vacatur of the Tradebe Contracts;

12 WHEREAS on June 3, 2020, DLA terminated the Tradebe Contracts in their entirety;

13 WHEREAS Tradebe has no further connection to or interest in this suit;

14 WHEREAS Tradebe has filed neither an answer nor a motion for summary judgment in this  
15 suit;

16 WHEREAS the Ninth Circuit permits the dismissal of all claims asserted against an  
17 individual defendant under Federal Rule of Civil Procedure 41, *see Pedrina v. Chun*, 987 F.2d 608,  
18 609 (9th Cir. 1993);

19 WHEREAS in light of the termination of the Tradebe Contracts, Plaintiffs have agreed to  
20 dismiss Tradebe from this suit;

21 NOW, THEREFORE, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and with good cause shown,  
22 the undersigned Parties hereby stipulate and agree to the dismissal, with prejudice, of any and all  
23 claims asserted against Tradebe in this action.

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Dated: June 23, 2020

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**CIVIL LOCAL RULE 5-1(i)(3)**

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the signatories hereto.

/s/Jonathan Kalmuss-Katz  
Jonathan Kalmuss-Katz