

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SUNCOAST WATERKEEPER, OUR
CHILDREN’S EARTH FOUNDATION,
and ECOLOGICAL RIGHTS FOUN-
DATION,

Plaintiffs,

v.

CITY OF ST. PETERSBURG,

Defendant.

Case No.: 8:16-cv-03319-JDW-AEP

PLAINTIFFS’ NOTICE OF LODGING
OF STIPULATED ORDER OF PARTIAL DISMISSAL
AND COURT’S RETENTION OF JURISDICTION

Pursuant to the Court’s September 10, 2018 Order (Dkt 173), Plaintiffs Suncoast Waterkeeper, Our Children’s Earth Foundation and Ecological Rights Foundation (“Plaintiffs”) hereby lodge with the Court a proposed partial settlement of this matter, in the form of a Stipulated Order of Partial Dismissal and Court’s Retention of Jurisdiction, including two attachments describing injunctive relief (“Stipulated Order”).

It is respectfully requested that the Court take no action on the proposed Stipulated Order at this time in order to allow for compliance with Section 505(c)(3) of the Clean Water Act, which provides for a forty-five (45) day review period of the settlement by the United States Department of Justice (“DOJ”) and Environmental Protection Agency (“EPA”). Plaintiffs will provide the Stipulated Order to DOJ and EPA for review pursuant to 40 C.F.R. §135.5. In the meantime, until the forty-five (45) day review period is complete, no action is required of the Court,

and no action should be taken on the proposed settlement at this time. In addition, within the forty-five (45) day review period, Attachment B to the Stipulated Order (the First Amendment to Consent Order (effective October 12, 2018)) is subject to a twenty-one (21) day notice period under Florida state law.

At the expiration of the forty-five (45) day review period, Plaintiffs will inform the Court as to any comments received by EPA and DOJ, as well as the administrative status of Attachment B under state law. If no adverse comments are received and Attachment B has been finalized under state law, Plaintiffs will move the Court to enter the Stipulated Order. If there are comments received from EPA or DOJ adverse to the settlement or there are additional state administrative proceedings related to Attachment B, the Parties shall so inform the Court with the Parties' response and/or resolution of any such comments.

The Stipulated Order is a partial settlement of this action and does not resolve the issue of Plaintiffs' "costs of litigation" under Section 505(d) of the Clean Water Act. Accordingly, on or before the date Plaintiffs file a motion to enter the settlement, Plaintiffs will move to reopen the case for future proceedings on the issue of "costs of litigation" under Section 505(d) of the Clean Water Act, consistent with the express terms of Paragraph 5 of the Stipulated Order and this Court's September 10, 2018 Order (Dkt 173).

Respectfully submitted,

Dated: October 15, 2018

/s/ Justin Bloom

Justin Bloom

FL Bar # 89109

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SUNCOAST WATERKEEPER,

OUR CHILDREN'S EARTH FOUNDATION and ECOLOGICAL RIGHTS FOUNDATION

*Plaintiffs' counsel has changed firms and will update records with the Court when the case is no longer administratively closed per the Court's September 10, 2018 Order (Dkt 173)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of October, 2018, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on counsel of record for Defendant; via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Justin Bloom

Justin Bloom

FL Bar # 89109