

1 Counsel are identified
2 on the signature pages that follow

3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 AMERICAN TRUCKING
11 ASSOCIATIONS, INC.)

12 Plaintiff,)

13 vs.)

14 THE CITY OF LOS ANGELES, THE)
15 HARBOR DEPARTMENT OF THE)
16 CITY OF LOS ANGELES, THE)
17 BOARD OF HARBOR)
18 COMMISSIONERS OF THE CITY)
19 OF LOS ANGELES, THE CITY OF)
20 LONG BEACH, THE HARBOR)
21 DEPARTMENT OF THE CITY OF)
22 LONG BEACH, and THE BOARD)
23 OF HARBOR COMMISSIONERS)
24 OF THE CITY OF LONG BEACH,)

25 Defendants.)

Case No. CV 08-04920 CAS (CTx)

**STIPULATION OF SETTLEMENT
AND JOINT MOTION FOR
VOLUNTARY DISMISSAL WITH
PREJUDICE BETWEEN PLAINTIFF
ATA AND LONG BEACH
DEFENDANTS**

Hon. Christina A. Snyder

26 Whereas, plaintiff American Trucking Associations, Inc. (“ATA”) filed on
27 July 28, 2008, a Complaint for Declaratory and Injunctive Relief against, *inter*
28 *alia*, the City of Long Beach, the Harbor Department of the City of Long Beach,
and the Board of Harbor Commissioners of the City of Long Beach (the “Long
Beach Defendants”);

Whereas, the parties, being duly advised by counsel, have reached an
amicable settlement of the claims asserted in the Complaint against the Long

1 Beach Defendants, and in furtherance of that Settlement jointly have drafted a
2 “Registration and Agreement,” attached hereto as Exhibit A;

3 Whereas, in light of this settlement, the parties have agreed that ATA’s
4 Complaint against the Long Beach Defendants should be dismissed on the terms
5 set forth hereinbelow;

6 WHEREFORE, the parties do Stipulate as follows:

7 1. ATA shall dismiss with prejudice its Complaint for Declaratory and
8 Injunctive Relief against the Long Beach Defendants.

9 2. Within fifteen (15) business days following entry of the Order on this
10 stipulation for dismissal, the Long Beach Defendants shall make available at the
11 Port, on its internet website, and by electronic mail to all motor carriers that have
12 executed a Concession Agreement with the Port of Long Beach, the Registration
13 and Agreement to all licensed motor carriers wishing to provide drayage services
14 at the Port of Long Beach.

15 3. The Long Beach Defendants agree that the filing by a carrier of a
16 signed and complete Registration and Agreement becomes effective as of the date
17 of filing and supersedes any Concession Agreement an individual carrier may
18 previously have executed with the Port. The Long Beach Defendants further agree
19 that they shall not enforce any term of the Concession Agreement against a carrier
20 that has filed a signed and complete Registration and Agreement, after such filing
21 date.

22 4. The parties agree that any material change by the Long Beach
23 Defendants to the Registration and Agreement without the prior agreement of ATA
24 set forth in a writing signed by representatives of each party having the express
25 authority to so bind, and the institution of suit by ATA in contravention of
26 paragraph 5 hereof, each would constitute a breach of this Settlement.
27

1 Upon the foregoing Stipulation, ATA and the Long Beach Defendants
2 jointly request that the Court enter a voluntary dismissal with prejudice of ATA's
3 claims against the Long Beach Defendants.

4 Respectfully submitted,

5 Dated: October ____, 2009

6 FOR DEFENDANTS THE CITY OF LONG BEACH, THE HARBOR
7 DEPARTMENT OF THE CITY OF LONG BEACH, and THE BOARD OF
8 HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH

9
10 _____
11 C. Jonathan Benner
12 Reed Smith LLP
13 1301 K Street NW
14 Suite 1100 East Tower
15 Washington, D.C. 20005
16 jbenner@reedsmith.com

17 Mark E. Nagle
18 Troutman Sanders LLP
19 401 9th Street, N. W.
20 Suite 1000
21 Washington, D.C. 20004-2134
22 jonathan.benner@troutmansanders.com
23 mark.nagle@troutmansanders.com

24 Paul L. Gale
25 Troutman Sanders LLP
26 5 Park Plaza, Suite 1400
27 Irvine, CA 92614-2545
28 paul.gale@troutmansanders.com

Robert Shannon
City Attorney
Dominic Holzhaus
Principal Deputy
City of Long Beach
Long Beach City Hall
333 West Ocean Boulevard
Eleventh Floor
Long Beach, California 90802
robert_shannon@longbeach.gov
dominic_holzhaus@longbeach.gov

1 FOR PLAINTIFF AMERICAN TRUCKING ASSOCIATIONS, INC.

2
3 /s/ Christopher C. McNatt, Jr.

4 Christopher C. McNatt, Jr. (State Bar #174559)
5 SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, LLP
6 2 North Lake Avenue, Suite 460
7 Pasadena, California 91101
8 cmcnatt@scopelitis.com

9 W. Stephen Cannon (*pro hac vice*)
10 Seth D. Greenstein (*pro hac vice*)
11 Stephen S. Anderson, Jr. (*pro hac vice*)
12 Richard O. Levine (*pro hac vice*)
13 Evan A. Schultz (*pro hac vice*)
14 CONSTANTINE CANNON LLP
15 1627 Eye Street N.W.
16 Washington, DC 20006
17 scannon@constantinecannon.com
18 sgreenstein@constantinecannon.com
19 tanderson@constantinecannon.com
20 rlevine@constantinecannon.com
21 eschultz@constantinecannon.com

22 Robert Digges (*pro hac vice*)
23 Chief Counsel, ATA Litigation Center
24 AMERICAN TRUCKING ASSOCIATIONS, INC.
25 950 North Glebe Road
26 Arlington, VA 22203
27 rdigges@trucking.org
28