

1 DEPARTMENT OF TOXIC SUBSTANCES)
 CONTROL,)
 2)
 Plaintiff,)
 3)
 v.)
 4)
 THE ATCHISON, TOPEKA & SANTA FE)
 5 RAILWAY COMPANY, et al.)
 6)
 Defendants.)
 7)
 _____)
 8 AND RELATED CROSS-CLAIMS AND)
 THIRD PARTY ACTIONS.)
 9 _____)

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 11 I. Date of Scheduling Conference.

12 October 28, 2009.

13 II. Appearances Of Counsel.

14 James R. MacAyeal, Esq., appeared on behalf of Plaintiff,
 15 United States of America, and specially appearing Department of
 16 Toxic Substances Control.

17 Lewis Brisbois Bisgaard & Smith LLP by Michael K. Johnson,
 18 Esq., appeared on behalf of the Defendant Shell Oil Company.

19 Marc A. Zeppetello, Esq., appeared on behalf of the
 20 Plaintiff The Atchison Topeka & Santa Fe Railway Company.

21 III. Status of Remaining Issues In Case.

22 1. The parties acknowledge that Judgment has been entered
 23 for Shell Oil Company in this case. The matter of the Cost Bill
 24 of Shell Oil Company is pending before the Court.

25 2. The remaining parties have been negotiating regarding
 26 the subject of the costs by the United States and DTSC as
 27 prevailing parties for remediation expenses as have been incurred
 28 following the trial of this action.

1 3. All parties agree that following resolution of the
2 Shell Oil Cost Bill, it is anticipated by the parties that the
3 judgment in this case shall be final and the case will be closed.
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5 IT IS SO ORDERED.

6 Dated: October 28, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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