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as successor to THE ATCHISON, TOPEKA & SANTA FE  
7 RAILWAY COMPANY

8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10  
11 THE ATCHISON, TOPEKA & SANTA FE  
RAILWAY COMPANY, et al.,  
12  
13 Plaintiffs,  
14  
15 v.  
16 HERCULES INCORPORATED, et al.,  
17  
18 Defendants.

Case No.: CV-F-96-5879 OWW/DLB  
(CONSOLIDATED SHAFTER CASES)

**STIPULATION AND ORDER  
REGARDING DATE OF  
SETTLEMENT CONFERENCES**

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18 The Scheduling Conference Order issued by the Court on January 13, 2011 (Document  
19 466) (“the Order”) provides, among other matters, that two further settlement conferences shall be  
20 held in this case before Magistrate Judge Beck. The Order schedules the first settlement  
21 conference for March 7, 2011, and provides that BNSF Railway Company (“BNSF”) and Hercules  
22 Incorporated (“Hercules”) shall participate in the first conference. The Order schedules the second  
23 settlement conference for April 4, 2011, and provides that all parties shall participate in the second  
24 conference. The Order further provides that these dates are subject to confirmation of the  
25 availability of the parties’ representatives and the Magistrate Judge’s schedule.

26 After consulting with their client representatives and Magistrate Judge Beck’s chambers,  
27 counsel for BNSF and Hercules hereby stipulate, and request that the Court order, that the first  
28 settlement conference shall be rescheduled for March 8, 2011, at 10:00 a.m.

1 Furthermore, after consulting with their client representatives and Magistrate Judge Beck's  
2 chambers, counsel for DTSC, BNSF, and Hercules hereby stipulate, and request that the Court  
3 order, that the second settlement conference shall be rescheduled for April 7, 2011, at 10:00 a.m.

4 Respectfully submitted,

5 DATED: February 16, 2011

KAMALA D. HARRIS,  
Attorney General of the State of California  
SALLY MAGNANI  
Acting Senior Assistant Attorney General

8 /Sandra Goldberg/  
9 SANDRA COLDBERG  
10 Deputy Attorney General  
11 Attorneys for Dept. of Toxic Substances Control

12 DATED: February 16, 2011

BARG COFFIN LEWIS & TRAPP, LLP

13 /Marc A. Zeppetello/  
14 MARC A. ZEPPELLO  
15 Attorneys for BNSF Railway Company

16 DATED: February \_\_\_\_, 2011

WENDEL, ROSEN, BLACK & DEAN, LLP

18 STEPHEN McKAE  
19 Attorneys for The Dow Chemical Company

20 DATED: February 16, 2011

MCKENNA, LONG & ALDRIDGE, LLP

22 /Christian Volz/  
23 CHRISTIAN VOLZ  
24 Attorneys for Hercules Incorporated

25 DATED: February 16, 2011

PERLMAN FOX, LLP

26 /Scott D. Perlman/  
27 SCOTT D. PERLMAN  
28 Attorneys for Marilyn Dietzel, as Successor  
Of the Estate of Fred R. Bryant

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**ORDER**

The Court’s Scheduling Conference Order filed January 13, 2011 (Document 466) is hereby amended as follows:

1. A First Settlement Conference shall be held before Magistrate Judge Beck on March 8, 2011 at 10:00 a.m. BNSF and Hercules shall participate in the First Settlement Conference.

2. A Second Settlement Conference shall be held before Magistrate Judge Beck on April 7, 2011 at 10:00 a.m. All parties shall participate in the Second Settlement Conference.

IT IS SO ORDERED.

Dated: February 16, 2011

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE