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 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 11 FRESNO DIVISION

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 13 **CALIFORNIA DEPARTMENT OF TOXIC  
 SUBSTANCES CONTROL,**

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 15 Plaintiff,

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 17 **v.**

18 **TRI-AIR, INC.; CHARLES ROBINSON;  
 and ROBERT NASH,**

19 Defendants.

Case No. 1:02-cv-06137 OWW SMS

**STIPULATION AND ORDER  
 RESCHEDULING FIRST MEDIATION  
 SESSION**

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 21 This Stipulation and [Proposed] Order Rescheduling First Mediation Session is submitted  
 22 jointly by plaintiff California Department of Toxic Substances Control (“DTSC”), defendants Tri-  
 23 Air, Inc., Charles Robinson, and Robert Nash, and third-party defendant Jerry McDonald  
 24 (collectively the “Parties”).

25 On February 25, 2011, U.S. Magistrate Judge Sandra M. Snyder issued the “Order Granting  
 26 Resumption of Mediation Sessions.” With the agreement of the Parties, that Order set the First  
 27 Mediation Session for May 31, 2011. Subsequent to the issuance of the Order, however, the  
 28 Parties learned that attendance at the mediation session for some insurance company

1 representatives would be complicated by the preceding Memorial Day weekend. After meeting  
2 and conferring on alternative dates for the First Mediation Session and consulting with Judge  
3 Snyder's chambers as to her availability, the Parties HEREBY STIPULATE THAT:

- 4 1. The First Mediation Session is rescheduled from May 31, 2011, to June 15, 2011,  
5 10:00 a.m., in Courtroom 7;
- 6 2. The date by which Confidential Mediation Statements must be submitted is changed  
7 from May 20, 2011, to June 7, 2011; and
- 8 3. In all other respects the February 25, 2011, "Order Granting Resumption of  
9 Mediation Sessions" remains unchanged.

10  
11 Dated: April 13, 2011

KAMALA D. HARRIS  
Attorney General of California  
JANILL RICHARDS  
Supervising Deputy Attorney General

/s/ Timothy E. Sullivan

TIMOTHY E. SULLIVAN  
Deputy Attorney General  
*Attorneys for California Department of Toxic  
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17 Dated: April 13, 2011

LAW OFFICES OF GARY M. FACHIN

/s/ Gary M. Fachin

GARY M. FACHIN  
*Attorneys for Tri-Air, Inc. and Charles  
Robinson*

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21  
22 Dated: April 13, 2011

PARICHAN, RENBERG, CROSSMAN & HARVEY  
LAW CORPORATION

/s/ Michael L. Renberg

MICHAEL L. RENBERG  
*Attorneys for Robert Nash*

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Dated: April 13, 2011

STOEL RIVES LLP

/s/ Lee N. Smith

LEE N. SMITH

*Attorneys for Jerry McDonald*

IT IS SO ORDERED.

Dated: April 18, 2011

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE