

Eric Grant (Bar No. 151064)
 grant@hicks-thomas.com
 Hicks Thomas LLP
 8001 Folsom Boulevard, Suite 100
 Sacramento, California 95826
 Telephone: (916) 388-0833
 Facsimile: (916) 691-3261

John B. Thomas (*pro hac vice*)
 jthomas@hicks-thomas.com
 Brian M. Keller (*pro hac vice*)
 bkeller@hicks-thomas.com
 Hicks Thomas LLP
 700 Louisiana Street, Suite 2000
 Houston, Texas 77002
 Telephone: (713) 547-9100
 Facsimile: (713) 547-9150

Counsel for Third-Party Defendant
 R.R. STREET & CO. INC.

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 FRESNO DIVISION

UNITED STATES OF AMERICA,)	No. 1:07-cv-00491-LJO-GSA
)	
Plaintiff,)	
)	
v.)	JOINT REQUEST FOR CONTINUANCE
)	OF HEARING ON THIRD-PARTY
)	DEFENDANT R.R. STREET & CO. INC.'S
STEPHEN C. LYON, et al.,)	MOTION FOR SUMMARY JUDGMENT
)	[L.R. 78-230(g)]
Defendants/Third-Party Plaintiffs,)	
)	
v.)	
)	
THE DOW CHEMICAL COMPANY, et al.,)	
)	
Third-Party Defendants.)	Hearing Date: August 17, 2009
)	Time: 8:30 a.m.
AND ALL RELATED CROSS-CLAIMS)	Courtroom: 4
AND THIRD-PARTY CLAIMS.)	Judge: Hon. Lawrence J. O'Neill
)	

Pursuant to Local Rule 78-230(g), Third-Party Defendant R.R. Street & Co. Inc. ("Street") and Defendants/Third-Party Plaintiffs Stephen C. Lyon, Suzanne S. Lyon, Russell R. Tonda, and Diane M. Tonda as individuals, and Rajendra Jamnadas as the personal representative of the Estate of Shantilal Jamnadas (collectively, "Third-Party Plaintiffs"), respectfully request a continuance of

Error! Reference source not found.

the hearing on Street's pending motion for summary judgment against Third-Party Plaintiffs. In support of this request, Street and Third-Party Plaintiffs would show the following:

1. Street filed its motion for summary judgment on July 17, 2009 and properly set the motion for hearing on August 17, 2009 (Doc. 374).
2. Third-Party Plaintiffs have approached Street requesting a 60-day continuance of such hearing, and Street is amenable to such request.
3. Continuing the scheduled hearing to Tuesday, October 20, 2009, at 8:30 a.m. would accommodate Third-Party Plaintiffs' request.
4. Third-Party Plaintiffs have agreed to file their oppositions to Street's motion on or before September 28, 2009.
5. Although Third-Party Plaintiffs do not waive any right to request an additional continuance from the Court, Street respectfully informs Third-Party Plaintiffs and the Court that Street will oppose any additional continuance.

Accordingly, Street and Third-Party Plaintiffs request that the hearing on Street's motion for summary judgment against Third-Party Plaintiffs be continued to Tuesday, October 20, 2009, at 8:30 a.m., and that any opposition to the motion be filed on or before September 28, 2009.

Dated: July 30, 2009.

Respectfully submitted,

/s/ Eric Grant

Eric Grant

John B. Thomas

Brian M. Keller

Hicks Thomas LLP

Counsel for Third-Party Defendant
R.R. STREET & CO. INC.

ROGERS JOSEPH O'DONNELL

By: /s/ Aaron P. Silberman
(as authorized on this date)

ROBERT C. GOODMAN
AARON P. SILBERMAN
ZACHARY M. RADFORD

Attorneys for Defendants, Cross-Complainants,
Cross-Defendants and Third-Party Plaintiffs
STEPHEN C. LYON; SUZANNE S. LYON;
RUSSELL R. TONDA; DIANE M. TONDA

SCHUERING ZIMMERMAN
SCULLY TWEEDY & DOYLE, LLP

By: /s/ KEITH D. CHIDLAW
(as authorized on this date)

KEITH D. CHIDLAW

Attorneys for Defendant and Third-Party
Plaintiff RAJENDRA JAMNADAS,
personal representative of the ESTATE
OF SHANTILAL JAMNADAS

IT IS SO ORDERED.

The Motion Hearing currently set for 8/17/09 has been CONTINUED to 10/27/09 at
8:30am. The Court is unavailable on 10/20/09 as requested.

Date: July 31, 2009

/s/ Lawrence J. O'Neill
Honorable Lawrence J. O'Neill
United States District Judge