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 8 DIANE M. TONDA

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA
 11 FRESNO DIVISION
 12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 STEPHEN C. LYON, et al.,

17 Defendants.

Case No. 07-CV-00491 LJO GSA

**JOINT STIPULATION AND REQUEST
 TO CONTINUE TRIAL SCHEDULE**

Courtroom: 4
 Judge: Hon. Lawrence J. O'Neill

18 AND RELATED COUNTER-CLAIMS,
 19 CROSS-CLAIMS AND THIRD PARTY
 CLAIMS.

20
 21 IT IS HEREBY STIPULATED by and between counsel for Plaintiff United
 22 States of America ("Plaintiff"), Defendants Stephen C. Lyon, Suzanne S. Lyon, Russell R.
 23 Tonda, and Diane M. Tonda (the "Lyons and Tondas"), Defendant Rajendra Jamnadas the
 24 personal representative of the Estate of Shantilal Jamnadas ("Jamnadas"), Third Party
 25 Defendant City Modesto ("City"), and Third Party Defendant Technichem, Inc.
 26 ("Technichem") (collectively "the Parties") as follows:

27 WHEREAS, the Plaintiff, the Lyons and Tondas, and Jamnadas have
 28 participated in mediation and have reached an agreement in principle pending approval of
 United States Environmental Protection Agency ("EPA") and United States Department

1 of Justice management.

2 WHEREAS, the United States is in the process of preparing draft consent
3 decree language setting forth the proposed settlement terms.

4 WHEREAS, the United States and counsel for the Defendants will need time to
5 review, negotiate and finalize the language of each consent decree, including obtaining final
6 approval and sign-off by the defendants and by authorized EPA and Department of Justice
7 managers.

8 WHEREAS, once the consent decree is executed by the parties, it will be
9 lodged with the Court pending a 30 day public comment period.

10 WHEREAS, the Parties agree that in light of the significant progress that has
11 been made toward settlement it is appropriate to continue all applicable deadlines to conserve
12 Court resources and prevent the Parties from incurring potentially unnecessary litigation
13 expenses.

14 WHEREAS, Scheduling Conference Order (Doc. 327 and 329) set the
15 following schedule for the first phase (liability) of the bifurcated proceedings:

| | | |
|----|-----------------------------------|-------------------------|
| 16 | Expert Disclosure: | June 30, 2010 |
| 17 | Supplemental Expert Disclosure: | July 29, 2010 |
| 18 | Nonexpert Discovery Cutoff: | June 1, 2010 |
| 19 | Expert Discovery Cutoff: | September 15, 2010 |
| 20 | Pretrial Motion Filing Deadline: | October 25, 2010 |
| 21 | Pretrial Motion Hearing Deadline: | December 1, 2010 |
| 22 | Pretrial Conf.: | Date: December 15, 2010 |
| 23 | Court Trial: (4-6 weeks est.) | Date: February 1, 2011 |

24 WHEREAS, the Parties have agreed to request the dates established in the
25 Scheduling Order be extended for four (4) months.

26 NOW THEREFORE, the Parties stipulate that the dates established in the
27 Scheduling Conference Order for the first phase (liability) of the bifurcated proceedings be
28 continued as follows:

| | | |
|---|-----------------------------------|----------------------|
| 1 | Expert Disclosure: | October 27, 2010 |
| 2 | Supplemental Expert Disclosure: | December 2, 2010 |
| 3 | Nonexpert Discovery Cutoff: | September 28, 2010 |
| 4 | Expert Discovery Cutoff: | January 19, 2011 |
| 5 | Pretrial Motion Filing Deadline: | February 28, 2011 |
| 6 | Pretrial Motion Hearing Deadline: | April 6, 2011 |
| 7 | Pretrial Conf.: | Date: April 20, 2011 |
| 8 | Court Trial: (4-6 weeks est.) | Date: June 7, 2011 |

9 Dated: March 11, 2010 ROGERS JOSEPH O'DONNELL

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11
12 By: /s/ Robert C. Goodman
13 Robert C. Goodman
14 Attorneys for Defendants
STEPHEN C. LYON, SUZANNE S.
LYON, RUSSELL R. TONDA and
DIANE M. TONDA

15 Dated: March 10, 2010 UNITED STATES DEPARTMENT OF JUSTICE

16
17 By: /s/ Elise Feldman
18 Elise Feldman
19 Attorneys for Plaintiff
UNITED STATES OF AMERICA

20 Dated: March 8, 2010 DAVIDOVITZ & BENNETT LLP

21
22 By: /s/ Charles Bolcom
23 Charles Bolcom
24 Attorneys for Third Party Defendant
CITY OF MODESTO

25
26 Dated: March 9, 2010 SCHUERING ZIMMERMAN & DOYLE, LLP

27
28 By: /s/ Keith D. Chidlaw
Keith D. Chidlaw

Attorneys for Defendant
RAJENDRA JAMNADAS, personal
representative of the ESTATE OF
SHANTILAL JAMNADAS

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3 Dated: March 5, 2010

MARK J. NG

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6 By: /s/ Mark J. Ng
Mark J. Ng
In Pro Per for Third Party Defendant
TECHNICHEM, INC.

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9 **IT IS SO ORDERED.**

10 The dates established in the Scheduling Conference Order for the first phase
11 (liability) of the bifurcated proceedings are CONTINUED for four (4) months as indicated
12 below:

| | |
|--------------------------------------|----------------------------------|
| 13 Expert Disclosure: | October 27, 2010 |
| 14 Supplemental Expert Disclosure: | December 2, 2010 |
| 15 Nonexpert Discovery Cutoff: | September 28, 2010 |
| 16 Expert Discovery Cutoff: | January 19, 2011 |
| 17 Pretrial Motion Filing Deadline: | February 28, 2011 |
| 18 Pretrial Motion Hearing Deadline: | April 6, 2011 |
| 19 Pretrial Conf.: | Date: April 20, 2011 at 8:30a.m. |
| 20 Court Trial (4-6 weeks est.) | Date: June 7, 2011 at 8:30a.m. |

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22 Dated: March 12, 2010

/s/ Lawrence J. O'Neill
HONORABLE LAWRENCE J. O'NEILL
UNITED STATES DISTRICT JUDGE