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(Exempt from filing fees
per Govt. Code, § 6103)

6 Attorneys for Plaintiff
7 City of Merced Redevelopment Agency

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

10
11 CITY OF MERCED
REDEVELOPMENT AGENCY, and
12 MERCED DESIGNATED LOCAL
AUTHORITY, AS SUCCESSOR AGENCY
13 TO THE REDEVELOPMENT AGENCY
OF THE CITY OF MERCED

14
15 Plaintiff,

16 v.

17 EXXON MOBIL CORPORATION;
EXXON CORPORATION; CHEVRON
U.S.A., INC.; SHELL OIL COMPANY;
18 EQUILON ENTERPRISES LLC;
TESORO CORPORATION; TESORO
19 REFINING AND MARKETING
COMPANY and DOES 1 THROUGH 200,
20 inclusive,

21 Defendants.

Case No. 1:08-cv-00714-LJO-GSA

**ORDER ADOPTING STIPULATED
DATES FOR SUPPLEMENTAL
DISCOVERY**

Complaint Filed: April 7, 2008
Trial: June 16, 2015

(Doc. 72)

1 Pursuant to Plaintiffs' (City of Merced Redevelopment Agency and Merced
2 Designated Legal Authority) request for supplemental discovery, this Court's
3 October 10, 2014 Scheduling Conference Order, and the telephonic conference held
4 on October 17, 2014, the parties propose the following stipulated schedule for
5 completion of limited supplemental discovery in this matter:¹

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- 7 1. No later than November 17, 2014, Plaintiffs shall produce all
8 supplemental documents consistent with the scope of supplemental
9 discovery permitted by the Court's October 10, 2014 Scheduling
10 Conference Order.
 - 11
 - 12 2. No later than December 1, 2014, Plaintiffs shall produce a
13 supplemental expert report by Dave Norman consistent with the scope
14 of supplemental discovery permitted by the Court's October 10, 2014
15 Scheduling Conference Order.
 - 16
 - 17 3. No later than December 17, 2014, Defendants shall provide a written
18 report to Plaintiffs identifying a deadline by which Defendants would
19 complete review of Plaintiffs' supplemental documents and expert
20 report (if not already completed); any additional documents or
21 materials that Defendants contend need to be produced; and, if
22

23 _____
24 ¹ The Court's October 10, 2010 Scheduling Conference Order states as follows:

25 The Court will permit supplemental discovery to be performed for the limited purpose of updating the
26 costs/damages for further remediation incurred by the RDA to address the Methyl Tertiary Butyl Ether
27 ("MTBE") contamination at the R Street stations. This ruling does not include reopening all expert discovery.
28 Instead, Plaintiff may update the expert report of Mr. David Norman (Plaintiff's expert), or other experts who
were previously retained. Defendant may use their previously retained experts to rebut any updated report.
Other documentation related to the costs and damages may also be propounded.

1 possible, a deadline for the production of Defendants' rebuttal expert
2 report(s) as well as dates for any depositions to be conducted.²
3

4 4. Plaintiffs shall update any applicable discovery responses no later than
5 January 9, 2014.
6

7 The Court hereby adopts the foregoing stipulated schedule for supplemental
8 discovery. The Court notes that the parties further agree (1) that Defendants reserve
9 the right to move to exclude any supplemental discovery responses from Plaintiffs
10 on all applicable grounds, including, without limitation, the lack of prior disclosure
11 or supplementation; and (2) that Plaintiffs reserve the right to oppose any such
12 motion on all applicable grounds.
13

14 IT IS SO ORDERED.

15 Dated: October 29, 2014

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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26 _____
27 ² If Defendants' written report does not provide a deadline for the production of rebuttal experts reports and dates for
28 depositions to be conducted, the report shall specify a date certain by which a deadline for the production of rebuttal
expert reports and deposition dates will be ascertained and communicated to Plaintiffs in writing.