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10 Attorneys for Plaintiffs VIOLA COPPOLA, GARY COPPOLA,
 11 and THE TRUST OF ANTHONY M. COPPOLA

12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

14 VIOLA COPPOLA, GARY COPPOLA, and
 15 THE TRUST OF ANTHONY M. COPPOLA;

16 Plaintiffs,

17 v.

18 GREGORY SMITH, an individual; RICHARD
 19 LASTER, an individual; and THE JANE
 20 HIGGINS NASH TRUST; JANE NASH AS
 21 EXECUTOR OF THE ESTATE OF DECATUR
 22 HIGGINS, HARLEY MILLER, an individual;
 23 CHERYL MILLER, an individual; MARTIN
 24 AND MARTIN PROPERTIES, BENART
 25 MAIN STREET PROPERTIES, CAL WATER
 26 SERVICE COMPANY, the CITY OF VISALIA
 27 and DOES 7-20, inclusive;

28 Defendants.

Case No.: 1:11-CV-01257-AWI-BAM

**STIPULATION AND ORDER
 REGARDING FILING OF THIRD
 AMENDED COMPLAINT**

RELATED CROSS AND COUNTER-CLAIMS

IT IS HEREBY STIPULATED by and between all parties, other than Martin and Martin Properties (“Martin”), that Plaintiffs shall be allowed to file a Third Amended Complaint. Martin has entered into a separate stipulation on file with the Court extending its response date to September 10, 2012, and has advised it does not oppose this Stipulation. The Third Amended Complaint will contain the following revisions:

- 1 • Paragraph 36 would be revised to the following: “CWS 02-03 was abandoned in 2005.
2 Before it was abandoned, CWS 02-03 contained concentrations of PCE above the Method
3 Detection Limit.”
- 4 • Paragraph 64 would be revised to allege Health and Safety Code § 25363(e) instead of the
5 current 26363(e).
- 6 • Plaintiffs would dismiss the Negligence claim against the City of Visalia (“City”). This claim
7 remains alleged against all other parties.

8 The Third Amended Complaint shall be filed by August 22, 2012. Defendants shall have up
9 to and including September 12, 2012 to respond to the Third Amended Complaint.

10 The City has a pending Motion to Dismiss Plaintiffs’ claim for HSAA, calendared for
11 hearing on September 24, 2012. This hearing will remain as calendared as the allegations in the
12 proposed Third Amended Complaint remain unchanged as to that claim.

14 Dated: August 16, 2012

GREBEN & ASSOCIATES

16 /s/ Jan A. Greben
17 _____
18 Jan A. Greben
19 Jeff Coyner
20 Attorneys for Plaintiffs VIOLA COPPOLA,
GARY COPPOLA, and the TRUST OF
ANTHONY M. COPPOLA

21 Dated: August 16, 2012

GUALCO LAW

23 /s/ Lori J. Gualco
24 _____
25 Lori J. Gualco
26 Attorneys for Defendants RICHARD
27 LASTER and GREGORY SMITH

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Dated: August 16, 2012

WILLIAMS, JORDAN, BRODERSEN &
PRITCHETT LLP

/s/ Steven R. Williams

Steven R. Williams
Attorneys for Defendant JANE NASH, as
TRUSTEE OF THE JANE HIGGINS NASH
TRUST

Dated: August 16, 2012

GLASER, WEIL, FINK, JACOBS, HOWARD,
AVCHEN & SHAPIRO LLP

/s/ Gregory R. McClintock

Gregory R. McClintock
Noah P. Perch-Ahern
Attorneys for Defendant CALIFORNIA
WATER SERVICE COMPANY

Dated: August 16, 2012

DOOLEY, HERR, PELTZER & RICHARDSON

/s/ Leonard C. Herr

Leonard C. Herr
Attorneys for Defendant CITY OF VISALIA

Dated: August 16, 2012

CHIELPEGIAN LAW OFFICES

/s/ Mark E. Chielpegian

Mark E. Chielpegian
Attorneys for Defendant BENART MAIN
STREET PROPERTIES

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1 **ORDER**

2 Based on the Stipulation of the Parties, IT IS HEREBY ORDERED that Plaintiffs' shall have
3 up to and including August 22, 2012 to file a Third Amended Complaint. Defendants shall have up
4 to and including September 12, 2012 to respond to the Third Amended Complaint.

5
6 IT IS SO ORDERED.

7 Dated: August 16, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE