

1 Thomas A. Vogele, Esq. (SBN 254557)
2 Timothy M. Kowal, Esq. (SBN 254709)
3 THOMAS VOGELE & ASSOCIATES, APC
4 3199 Airport Loop Drive, Suite A-3
5 Costa Mesa, California 92626
6 Telephone: (714) 641-1232
7 Facsimile: (888) 391-4105
8 Email: tvogele@tvalaw.com

9 Attorneys for plaintiffs C & C Properties, Inc., JEC
10 Panama, LLC and Wings Way, LLC

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

13 C & C PROPERTIES, INC., a California
14 corporation; JEC PANAMA, LLC, a
15 California limited liability company; and
16 WINGS WAY, LLC, a Delaware limited
17 liability company,

18 Plaintiffs,

19 vs.

20 SHELL PIPELINE COMPANY, a
21 Delaware limited partnership; ALON USA
22 PARAMOUNT PETROLEUM
23 CORPORATION, a Delaware corporation;
24 CHEVRON PIPE LINE COMPANY, a
25 Delaware corporation; and DOES 1 through
26 25, inclusive,

27 Defendants.

CASE NO.: 1:14-cv-01889 JLT

**JOINT REQUEST FOR CONTINUANCE OF
THE OCTOBER 18, 2016 SETTLEMENT
CONFERENCE**

Action Filed: November 26, 2014
Trial Date:

28 Plaintiffs C & C PROPERTIES, INC., JEC PANAMA, LLC, and WINGS WAY, LLC
(collectively "Plaintiffs"), on the one hand, and defendants SHELL PIPELINE COMPANY
("Shell") and ALON USA PARAMOUNT PETROLEUM CORPORATION ("Alon"), on the
other hand, jointly and respectfully request the October 18, 2016 Settlement Conference be
continued 45 days. Good cause exists for the requested continuance, as explained below.

1. This litigation was initiated on November 25, 2014. It involves claims arising from
the defendants' alleged operation of three pipelines that traversed the south frontage of Plaintiffs'
138-acre parcel in Bakersfield, California. More specifically, Plaintiffs alleged defendants

1 committed trespass by refusing to remove their pipelines from the property following Plaintiffs'
2 demand and continuing to operate the pipelines for commercial purposes without right.

3 2. On or about March 1, 2016, Plaintiffs propounded requests for production of
4 documents on each defendant. The requests sought, among other documents, defendants' records
5 regarding the operation of the three pipelines traversing the Plaintiffs' property. The information
6 contained in the requested documents is relevant to damages under Civil Code § 3334.

7 3. Defendants did not turn over the requested financial records and other documents.
8 Defendants contend the documents contain confidential information and/or trade secrets, and
9 because pursuant to FRCP Rule 26(d)(1), written discovery could not yet be propounded.

10 4. On June 21, 2016, the Parties appeared at a Scheduling Conference before United
11 States Magistrate Judge Jennifer L. Thurston. Thomas Vogele, Esq. appeared on behalf of
12 plaintiffs; Kevin A. Day, Esq. appeared on behalf of defendants.

13 5. At the Scheduling Conference, the document requests were discussed. At that
14 time, the Parties agreed to execute a stipulated protective order protecting against dissemination
15 of confidential information and trade secrets to the public. To that end Judge Thurston ordered
16 Mr. Day to draft and provide a proposed protective order to Mr. Vogele by July 1, 2016.
17 Judge Thurston also ordered the parties to file an executed protective order by July 29, 2016.
18 Mainly due to matters of third-party confidentiality as to whether information related to the use of
19 the common-carrier pipeline could be disclosed (pursuant to confidentiality demanded by the
20 California Public Utilities Commission) the protective order was agreed to and executed on
21 October 7, 2016.

22 6. Also at the Scheduling Conference, Judge Thurston ordered Plaintiffs to submit a
23 settlement demand prior to the settlement conference. Plaintiffs contend they cannot engage in
24 meaningful settlement discussions until they receive the requested discovery from Defendants to
25 reasonably estimate the amount of damages. That information is contained in the documents
26 produced by Defendants in October 2016.

27 7. Additionally, Defendants contend they are also not in position to engage in
28 meaningful settlement discussions. Plaintiffs recently settled separate arbitration proceedings with

1 Chevron U.S.A. Inc. related to the non-disclosure of certain information about the Subject
2 Property. Defendants argue said settlement information is both relevant and key to Defendants'
3 analysis of the settlement posture of the case. However, Defendants have not been provided with
4 the terms of the settlement with Chevron, which cannot be voluntarily be produced due to
5 confidentiality provisions therein. Without the requested information, Defendants represent they
6 are not in position to begin settlement discussions on October 18, 2016.

7 For the foregoing reasons, the parties, and each of them, agree that good cause exists to
8 continue the October 18, 2016 Settlement Conference 45 days. By that time, the parties expect a
9 protective order will be in place, discovery will be further along and all essential individuals will
10 be able to participate in the continued settlement conference with the meaningful information
11 necessary to potentially settle this matter. As such, the settlement procedures ordered by Judge
12 Thurston can be meaningfully fulfilled by the parties.

13
14 DATED: October ____, 2016

THOMAS VOGELE & ASSOCIATES, APC

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16 By: _____
17 Thomas A. Vogele
18 Timothy M. Kowal
19 Attorneys for plaintiffs C & C Properties, Inc.,
JEC Panama, LLC and Wings Way, LLC

20 DATED: October ____, 2016

ALVARADOSMITH, APC

21 By: _____
22 Kevin Day
23 Attorneys for defendants Shell Pipeline Company and
24 Alon USA Paramount Petroleum Corporation
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ORDER

Finding good cause to exist, the Court hereby continues the Settlement Conference from October 18, 2016 to December 13, 2016 at 9:30 a.m.

IT IS SO ORDERED.

Dated: October 11, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE