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18 UNITED STATES DISTRICT COURT  
 19 EASTERN DISTRICT OF CALIFORNIA

20 AMERIPRIDE SERVICES INC., )  
 21 Plaintiffs, )  
 22 vs. )  
 23 VALLEY INDUSTRIAL SERVICES, INC., a )  
 24 former California corporation, et al., )  
 25 Defendants. )

Case No. 2:00-cv-00113-MCE-EFB  
**STIPULATION AND ORDER TO TAKE  
 THE DEPOSITION OF THIRD PARTY  
 CALIFORNIA-AMERICAN WATER  
 COMPANY’S PERSON MOST  
 KNOWLEDGEABLE AFTER THE NON-  
 EXPERT DISCOVERY CUT-OFF DATE**  
 Judge: Hon. Morrison C. England  
 Trial Date: August 5, 2016

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 28 Plaintiff AMERIPRIDE SERVICES INC. (“AmeriPride”) and Defendant TEXAS  
 EASTERN OVERSEAS, INC. (“TEO”), by and through their respective counsel, stipulate with

1 respect to the deposition of third-party California-American Water Company (“Cal-Am”), as  
2 follows:

3 **RECITALS**

4 1. Pursuant to the July 20, 2015 Pretrial Scheduling Order, all discovery, with the  
5 exception of expert discovery, must be completed by September 30, 2015. Dkt. 988 at 3.

6 2. On August 17, 2015, TEO served Cal-Am a Subpoena To Testify At A  
7 Deposition In A Civil Action for the deposition of Cal-Am’s Person Most Knowledgeable  
8 (“PMK”) on several subject matters including: settlement negotiations between Cal-Am and  
9 AmeriPride, whether response actions taken at the Cal-Am facility were consistent with the  
10 requirements of the National Contingency Plan (“NCP”), and whether the costs incurred for  
11 those response actions were consistent with the requirements of the NCP.

12 3. On September 11, 2015, AmeriPride also served Cal-Am a Subpoena To Testify  
13 At A Deposition In A Civil Action for the deposition of its PMK on additional topics. In August,  
14 before serving its deposition notice, counsel for AmeriPride had requested from Cal-Am’s  
15 counsel available dates for the deposition of the Cal-Am PMK. AmeriPride waited to serve its  
16 deposition notice until it had available dates for the deposition from counsel for Cal-Am.

17 4. Prior to serving the deposition subpoenas, both parties also served separate  
18 Subpoenas To Produce Documents on Cal-Am. On August 25, 2015, Cal-Am produced  
19 documents responsive to AmeriPride’s subpoena and has indicated that it will produce additional  
20 documents.

21 5. Cal-Am’s PMK’s deposition is necessary for the issue remanded to this Court to  
22 “determine the extent to which AmeriPride reimbursed Cal-Am for necessary response costs  
23 incurred consistent with the NCP.” AmeriPride Services, Inc. v. Texas Eastern Overseas, Inc.,  
24 782 F. 3d 479, 492 (9th Cir. 2015).

25 6. Cal-Am has agreed to produce Mr. Mark Schubert for the deposition of its PMK.  
26 Mr. Schubert resides in San Diego, California.

27 7. Mr. Schubert is unavailable for a deposition before September 30, 2015.  
28

1 8. Mr. Schubert is available for deposition on October 8 or October 15, 2015, and has  
2 agreed to travel to San Francisco to be deposed.

3 9. TEO and AmeriPride's counsel have agreed to share the reasonable travel costs  
4 Mr. Schubert will incur to attend this deposition.

5 10. Good cause exists for this Court to permit the deposition of third-party Cal-Am to  
6 be taken fifteen days (15) after the non-expert discovery cut-off date because: (1) the parties  
7 were diligent in seeking the deposition of Cal-Am so it could be taken before September 30,  
8 2015; and (2) Cal-Am's designated witness cannot attend a deposition prior to September 30,  
9 2015.

10 11. By allowing the deposition of Cal-Am to be taken on October 15, 2015 the Parties  
11 are not aware of any issue that would arise related to their compliance with any other deadlines  
12 in the Court's Pretrial Scheduling Order.

13  
14 **STIPULATION**

15 Based on the foregoing, AmeriPride and TEO agree and respectfully request that the  
16 Court permit the deposition of third-party Cal-Am to be taken fifteen days (15) after the non-  
17 expert discovery cut-off date.

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19  
20 Date: September 16, 2015

BASSI, EDLIN, HUIE & BLUM LLP

21  
22 By: /s/ Fred M. Blum

23 FRED M. BLUM  
24 ERIN K. POPPLER  
25 Attorneys for Defendant  
26 TEXAS EASTERN OVERSEAS, INC.

27  
28 Date: September 16, 2015

WILSON, ELSER, MOSKOWITZ, EDELMAN  
& DICKER LLP

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By: /s/ Ronald S. Bushner

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Date: September 16, 2015

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AMERIPRIDE SERVICES INC.

Date: September 16, 2015

PERKINS MANN & EVERETT, APC

By: /s/ Lee N. Smith


LEE N. SMITH  
Attorneys for Plaintiffs  
AMERIPRIDE SERVICES INC.

**ORDER**

Pursuant to the foregoing stipulation, the Court grants the parties' request to take the deposition of third-party Cal-Am fifteen days (15) after the non-expert discovery cut-off date.

IT IS SO ORDERED.

Dated: September 25, 2015

  
MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT