

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AMERIPRIDE SERVICES, INC.,
A Delaware corporation,

Plaintiff,

v.

VALLEY INDUSTRIAL SERVICE, INC.,
a former California corporation,
et al.,

Defendants.

NO. CIV. S-00-113 LKK/JFM

O R D E R

AND CONSOLIDATED ACTION AND
CROSS- AND COUNTER-CLAIMS.

The court has permitted the parties to file limited final argument. In briefing, the parties may assume that the court will find that: (1) the contamination in the groundwater was the product of the spills AmeriPride complains of, which occurred during Defendant's possession of the property; (2) it is more likely than not that wastewater leakage from the sewer pipes, during both Plaintiff's and Defendant's possession of the property, was a

1 significant factor in PCE reaching the groundwater; and (3) PCE
2 deposited by both TEO and AmeriPride through wastewater leakage
3 added significantly to the pollution of the groundwater. Finally,
4 it may well be that the court will find that it cannot apportion
5 responsibility for the pollution between the parties.

6 Given these possible findings, in their submitted briefs, the
7 parties shall address the following questions: (1) How, and on what
8 potential bases other than responsibility for pollution, should the
9 court apportion liability as to past costs between the parties?;
10 and (2) How, and on what potential bases other than responsibility
11 for pollution, should the court apportion liability as to future
12 costs between the parties?

13 The parties' previous deadline for filing their final briefs
14 was March 6, 2012. In light of the questions presented above, the
15 parties are given fourteen (14) additional days to file their final
16 briefs. The parties' final briefs shall, therefore, be filed no
17 later than March 20, 2012. If the parties are confident that their
18 briefs address the aforementioned questions, they may file their
19 final briefs before March 20, 2012.

20 IT IS SO ORDERED.

21 DATED: March 5, 2012.

22
23
24
25
26


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT