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 of Toxic Substance Control

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IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF CALIFORNIA

**CALIFORNIA DEPARTMENT OF TOXIC
 SUBSTANCES CONTROL,**
 Plaintiff,
 v.
CHARLES V. KESTER, ET AL.,
 Defendants,
 AND RELATED CROSS-CLAIMS,
 COUNTERCLAIMS AND/OR THIRD-
 PARTY ACTIONS.

CIV-S-02-0018 GEB-GHH
**STIPULATION AND [PROPOSED]
 ORDER REGARDING ANSWERS TO
 FOURTH AMENDED COMPLAINT**
 Judge: The Honorable Garland E.
 Burrell, Jr.
 Trial Date: None
 Action Filed: January 4, 2002

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 24 Plaintiff, California Department of Toxic Substances Control and defendants White Rock &
 25 Kilgore, LLC (“White Rock”), Ravind Shankar (“Shankar”), Charles V. Kester (“Kester”),
 26 Kilgore & White Rock, LLC (“Kilgore”) and Mid Valley Development, Inc. (“Mid Valley”)
 27 hereby stipulate and agree as follows:

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1. The claims against White Rock, Shankar and Mid Valley in this action were settled by the Consent Decree approved on April 28, 2010 (Document 1120). Accordingly, White Rock, Shankar and Mid Valley are not required to file an Answer to the Fourth Amended Complaint filed on July 22, 2010 (Document 1145). White Rock, Shankar and Mid Valley are named as defendants in the Fourth Amended Complaint only because they have continuing obligations under the Consent Decree and the Court has jurisdiction to enforce the Consent Decree. In light of the Consent Decree, White Rock, Shankar and Mid Valley are not required to participate in status conferences or other future proceedings that are based on the Fourth Amended Complaint.

2. Kester shall file its response to the Fourth Amended Complaint by September 24, 2010.

IT IS SO STIPULATED.

11 Dated: August 20, 2010

CALIFORNIA DEPARTMENT OF TOXIC
SUBSTANCES CONTROL:

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/s/ Sandra Goldberg, Esq.

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SANDRA GOLDBERG

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Deputy Attorney General

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*Attorneys for California Department of
Toxics Substance Control*

16 Dated: August 20, 2010

WHITE ROCK & KILGORE, LLC:

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/s/ Robert Craig Iseley, Esq.

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ROBERT CRAIG ISELEY

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Attorney for White Rock & Kilgore, LLC

20 Dated: August 20, 2010

KILGORE & WHITE ROCK, LLC:

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/s/ Robert Craig Iseley, Esq.

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ROBERT CRAIG ISELEY

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Attorney for Kilgore & White Rock, LLC

24 Dated: August 20, 2010

RAVIND SHANKAR

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/s/ Ravind Shankar

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Dated: August 20, 2010

CHARLES V. KESTER

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/s/ Charles V. Kester

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Dated: August 20, 2010

MID VALLEY DEVELOPMENT, INC.

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/s/ Jeffory J. Scharff, Esq.

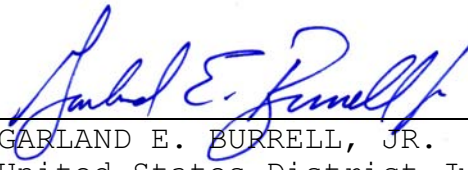
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JEFFORY J. SCHARFF

SCHARFF, BRADY & VINDING

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Attorneys for Mid Valley Development, Inc.

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IT IS SO ORDERED.

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Dated: 8/20/10

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GARLAND E. BURRELL, JR.

United States District Judge