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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE EASTERN DISTRICT OF CALIFORNIA
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8 CALIFORNIA DEPARTMENT OF TOXIC)
SUBSTANCES CONTROL,)

2:02-cv-00018-GEB-GGH

9 Plaintiff,)

10 v.)

11 CHARLES V. KESTER, ET AL.,)

12 Defendants.)

ORDER REFERRING CASE TO VDRP,
DEEMING PENDING MOTION TO
STRIKE WITHDRAWN AND
CONTINUING STATUS (PRETRIAL
SCHEDULING) CONFERENCE

13 _____)
14 AND RELATED CROSS-CLAIMS,)
COUNTERCLAIMS, and THIRD-PARTY)
15 ACTIONS)
16 _____)

17 Plaintiff filed a "Request for Referral to Voluntary Dispute
18 Resolution Program (VDRP)" on October 26, 2010, in which it states:

19 Plaintiff, California Department of Toxic
20 Substances Control ("DTSC") requests that the Court
refer the above-entitled action to the Voluntary
21 Dispute Resolution Program ("VDRP") for mediation.
In addition to DTSC, the following parties have
22 stipulated to elect referral to VRDP: defendants
John L. Sullivan Chevrolet, Inc., Gordon Turner
23 Motors, Maita Chevrolet Geo, Inc., Kilgore & White
Rock, LLC and Charles V. Kester. Stipulations by
24 these parties are submitted herewith.

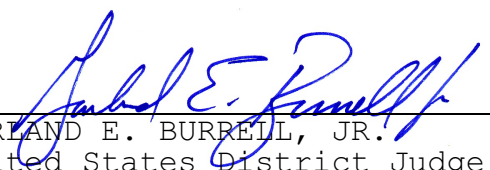
25 (ECF No. 1176.) Plaintiff also filed stipulations to elect referral to
26 VDRP by Defendants John L. Sullivan Chevrolet, Maita Chevrolet Geo,
27 Inc., Kilgore & White Rock LLC, and Charles V. Kester on October 26,
28 2010. (ECF No. 1177.) Therefore, this matter is referenced to VDRP.

1 Further, Plaintiff's pending Motion to Strike Affirmative
2 Defenses, Demand for Jury Trial and Prayer for Attorney's Fees of John
3 L. Sullivan Chevrolet and Gordon Turner Motors (ECF No. 1171) is deemed
4 withdrawn and can be re-filed if the referral to VDRP does not result in
5 settlement of the action.

6 Lastly, the Status Conference scheduled for December 13, 2010,
7 is continued to commence at 9:00 a.m. on June 13, 2011. A joint status
8 report shall be filed fourteen (14) days prior to the status conference.

9 IT IS SO ORDERED.

10 Dated: October 26, 2010

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14 GARLAND E. BURRELL, JR.
15 United States District Judge
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