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8 Attorneys for Cross-Defendant
MARTIN FRANCHISES INC.
9

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 CHARLES H. LEWIS and JANE W. LEWIS,)
13)
Plaintiffs,)
14)
vs.)
15)
16 ROBERT D. RUSSELL; BEN J. NEWITT; et)
al.,)
17)
Defendants.)
18)

CASE NO. 2:03-CV-02646-WBS-CKD

**STIPULATION OF CROSS-
COMPLAINANT CITY OF DAVIS AND
CROSS-DEFENDANT MARTIN
FRANCHISES INC. TO STAY
PROCEEDINGS BETWEEN THEM
PENDING SETTLEMENT; [PROPOSED
ORDER]**

19 CITY OF DAVIS,)
20)
Cross-claimant,)
21)
vs.)
22)
23 ROBERT D. RUSSELL; BEN J. NEWITT; the)
Estate of PHILLIP NEWITT, Deceased; JUNG)
24 HANG SUH; SOO JUNG SUH; JUNG K.)
SEO; THE DAVIS CENTER, LLC; MELVIN)
25 R. STOVER, individually and as a trustee of)
the Stover Family Trust; EMILY A. STOVER,)
26 individually and as a trustee of the Stover)
Family Trust; STOVER FAMILY TRUST;)
27 RICHARD ALBERT STINCHFIELD,)
individually and as a successor trustee of the)
28 Robert S. Stinchfield Separate Property)

1 Revocable Trust, and as trustee of the Barbara)
Ellen Stinchfield Testamentary Trust;)
2 ROBERT S. STINCHFIELD SEPARATE)
PROPERTY REVOCABLE TRUST; THE)
3 BARBARA ELLEN STINCHFIELD)
TESTAMENTARY TRUST; WORKROOM)
4 SUPPLY, INC., a California corporation;)
SAFETY-KLEEN CORPORATION, a)
5 California corporation; JENSEN)
MANUFACTURING COMPANY; VIC)
6 MANUFACTURING COMPANY USA, a)
Minnesota corporation; and MARTIN)
7 FRANCHISES, INC., aka/dba)
MARTINIZING DRY CLEANING;)
8)
Cross- Defendants.)
9

10 WHEREAS, on October 3, 2012, this Court issued an order granting the motion for
11 summary judgment of MARTIN FRANCHISES, INC. (hereinafter, "MARTIN") as to the claims
12 of the CITY OF DAVIS ("CITY") against it for negligence, strict product liability, negligence
13 per se, and under chapter 33.00 of the Davis Municipal Code [Docket No. 428];

14 WHEREAS, on October 3, 2012, this Court issued an order denying the CITY's motion
15 for leave to amend its cross-claims against MARTIN [Docket No. 429];

16 WHEREAS, on October 3, 2012, this Court issued an order allowing the CITY ten days
17 to submit a declaration or affidavit under Federal Rule of Civil Procedure 56(d) seeking time to
18 obtain affidavits or declarations or to take discovery to support its opposition to MARTIN's
19 summary judgment motion as to its CERCLA and nuisance claims against MARTIN [Docket
20 No. 430];

21 WHEREAS, on October 3, 2012, this Court issued an order allowing MARTIN to file an
22 opposition to said F.R.C.P. 56(d) submission within ten days of the filing of the CITY's
23 submission [Docket No. 431];

24 WHEREAS, on October 3, 2012, this Court postponed its ruling on MARTIN's summary
25 judgment motion on the CITY's CERCLA and nuisance claims until the Court could consider
26 the F.R.C.P. 56(d) request by the CITY [Docket No.430];

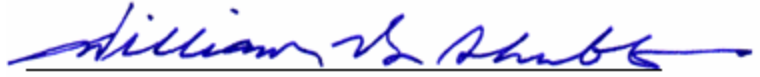
27 WHEREAS, following the above-cited orders of the Court, the CITY and MARTIN
28 began a dialogue on the potential settlement of the CITY's remaining claims against MARTIN;

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IT IS SO ORDERED.

DATED: October 16, 2012



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE