

1 Chad N. Dunigan (SBN 204946)
William J. Ferguson (SBN 245864)
2 KOELLER, NEBEKER, CARLSON & HALUCK, LLP
1478 Stone Point Drive, Suite 400
3 Roseville, CA 95661
(916) 724-5700
4 (916) 788-2850 Facsimile
chad.dunigan@knchlaw.com
5 william.ferguson@knchlaw.com

6 Attorneys for Defendants/Cross-Complainants/
Third Party Plaintiffs,
7 THE DAVIS CENTER, LLC; EMILY STOVER,
Individually and as Trustee of the STOVER FAMILY
8 TRUST and as Personal Representative for Melvin Stover
(Deceased); and RICHARD ALBERT STINCHFIELD,
9 Individually and as Trustee of the ROBERT S.
STINCHFIELD SEPARATE REAL PROPERTY TRUST
10 and as Trustee of the BARBARA ELLEN STINCHFIELD
TESTAMENTARY TRUST

11 **UNITED STATES DISTRICT COURT**

12 **EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION**

13 CHARLES LEWIS,

14 Plaintiff,

15 v.

16 ROBERT RUSSELL, et al.,

17 Defendants.

Case No. CIV S-03-2646 WBS KJM

**STIPULATION TO EXTEND
DISCOVERY, DISCLOSURE, TRIAL
AND OTHER DEADLINES SET FORTH
IN THE PRETRIAL SCHEDULING
ORDER AND [PROPOSED] ORDER
THEREON**

Trial Date: January 20, 2016

18
19
20 AND RELATED CROSS-ACTIONS.
21

22 THE DAVIS CENTER, LLC; EMILY STOVER, Individually and as Trustee of the STOVER
23 FAMILY TRUST and as Personal Representative for Melvin Stover (Deceased); and RICHARD
24 ALBERT STINCHFIELD, Individually and as Trustee of the ROBERT S. STINCHFIELD
25 SEPARATE REAL PROPERTY TRUST and as Trustee of the BARBARA ELLEN STINCHFIELD
26 TESTAMENTARY TRUST (collectively the “Davis Center”); Potter Taylor & Company, and it
27
28

1 predecessors-in-interest: Potter, Long, Adams & Taylor, Ltd.; Davis Center; Potter-Taylor, Inc.; and
2 Potter Taylor & Scurfield, Inc.; Robert D. Russell (Deceased) and Irene Russell; the City of Davis;
3 Marie L. Whitcombe (Deceased); and Charles H. Lewis and Jane W. Lewis (Deceased) (collectively
4 the “Participating Parties”) are parties to the above-captioned matter. The Davis Center previously
5 moved to amend the scheduling order (Docket No. 447) and the Participating Parties stipulated to
6 extend the deadlines to disclose experts (Docket No. 458) in order to provide the Davis Center with
7 sufficient time to complete an investigative study to determine the efficacy of a potential site remedy.
8 The Court entered Orders granting the Motion (Docket No. 457) and approving the Stipulation
9 (Docket No. 460). The Participating Parties entered into a further stipulation to amend the scheduling
10 order to allow time to produce and compile data associated with the investigative study (Docket No.
11 472). The Court entered an Order approving the Stipulation (Docket No. 474). The Participating
12 Parties entered into a further stipulation to amend the scheduling order to allow time to produce and
13 compile additional data associated with the site investigation (Docket No. 475). The Court entered an
14 Order approving the Stipulation (Docket No. 477).

15 The field portion of the site investigation necessary to determine an appropriate remedy has
16 been completed, and the data from that study has been compiled and analyzed. The Davis Center
17 presented the results of the investigation to Central Valley Regional Water Quality Control Board
18 (“Regional Board”) staff and received preliminary approval for its proposed remedial approach for the
19 site at issue. Some of the Participating Parties are working together to develop a cost estimate and
20 work plan for the proposed remediation. The work plan will need to be approved by the Regional
21 Board, which could take several months. Also, the Participating Parties are discussing possible
22 mediation after the work plan has been approved, in an effort to resolve the case.

23 Due to upcoming expert disclosure and discovery deadlines, proceeding toward trial on the
24 current schedule would unnecessarily waste the parties’ resources on litigation instead of allowing the
25 parties to focus their resources on coordinating with one another to prepare a work plan, obtain
26 Regional Board approval, and participate in settlement negotiations. Therefore, the Participating
27

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
27
28

Parties appearing in the above-entitled action hereby stipulate to extend the following deadlines eight months:

1. Disclosure of experts and production of reports: no later than September 14, 2015;
2. Rebuttal experts and production of rebuttal expert reports: no later than November 10, 2015;
3. Discovery deadlines: no later than March 21, 2016;
4. Motion deadline: no later than May 23, 2016;
5. Final pretrial conference on July 20, 2016 or such time that is convenient for the Court;
6. Jury Trial on September 22, 2016, or such time that is convenient for the Court.

SO STIPULATED.

DATED: December 12, 2014

/s/ William J. Ferguson
William J. Ferguson

Attorneys for Defendants/Cross-Complainants/
Third Party Plaintiffs, THE DAVIS CENTER,
LLC; EMILY STOVER, Individually and as
Trustee of the STOVER FAMILY TRUST and
as Personal Representative for Melvin Stover
(Deceased); and RICHARD ALBERT
STINCHFIELD, Individually and as Trustee
of the ROBERT S. STINCHFIELD
SEPARATE REAL PROPERTY TRUST and
as Trustee of the BARBARA ELLEN
STINCHFIELD TESTAMENTARY TRUST

Dated: December 12, 2014

/s/ Jennifer Hartman King
Jennifer Hartman King
Shelby M. Gatlin

Attorneys for Defendant, Cross-Complainant
and Cross-Defendant CITY OF DAVIS

DATED: December 12, 2014

/s/ Jeffory J. Scharff
Jeffory J. Scharff

Attorney for Potter Taylor & Company, and its
predecessors-in-interest: Potter, Long, Adams
& Taylor, Ltd.; Davis Center; Potter-Taylor,
Inc.; and Potter Taylor & Scurfield, Inc.

1 DATED: December 12, 2014

/s/ Daniel W. Smith

Daniel W. Smith

2

Attorneys for Robert D. Russell (Deceased)
and Irene Russell

3

4 DATED: December 12, 2014

/s/ Olivia Marie Wright

Steven H. Goldberg

Olivia Marie Wright

Attorneys for Marie L. Whitcombe
(Deceased)

5

6

7 DATED: December 12, 2014

/s/ S. Craig Hunter

S. Craig Hunter

Attorney for Charles H. Lewis and Jane W.
Lewis (Deceased)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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
27
28

ORDER

For good cause and pursuant to the above stipulation of the Participating Parties, IT IS
HEREBY ORDERED that:

1. Disclosure of experts and production of reports must occur no later than September 14, 2015;
2. Rebuttal experts and production of rebuttal expert reports must occur no later than November 10, 2015;
3. All discovery must be completed no later than March 21, 2016;
4. All motions to be filed no later than May 23, 2016;
5. Final pretrial conference is reset to July 18, 2016 at 2:00 p.m.
6. Jury trial is set for September 20, 2016 at 9:00 a.m.

IT IS SO ORDERED.

Dated: December 12, 2014



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE