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

20 **UNITED STATES DISTRICT COURT**

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

22 CHARLES LEWIS,

23 Plaintiff,

24 v.

25 ROBERT RUSSELL, et al.,

26 Defendants.

27 **Case No. CIV S-03-264 6 WBS KJM**

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

Trial Date: September 20, 2016

AND RELATED CROSS-ACTIONS.

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 (collectively the “Davis Center”); Potter Taylor & Company, and its predecessors-in-interest : Potter, Long, Adams & Taylor, Ltd.; Davis Center; Potter-Taylor, Inc.; and

1 Potter Taylor & Scurfield, Inc.; Robert D. Russell (Deceased) and Irene Russell; the City of Davis;  
2 Marie L. Whitcombe (Deceased); and Charles H. Lewis and Jane W. Lewis (Deceased) (collectively  
3 the “Participating Parties”) are parties to the above-captioned matter. The Davis Center previously  
4 moved to amend the scheduling order (Docket No. 447) and the Participating Parties stipulated to  
5 extend the deadlines to disclose experts (Docket No. 458) in order to provide the Davis Center with  
6 sufficient time to complete an investigative study to determine the efficacy of a potential site remedy.  
7 The Court entered Orders granting the Motion (Docket No. 457) and approving the Stipulation  
8 (Docket No. 460). The Participating Parties entered into a further stipulation to amend the scheduling  
9 order to allow time to produce and compile data associated with the investigative study (Docket No.  
10 472). The Court entered an Order approving the Stipulation (Docket No. 474). The Participating  
11 Parties entered into a further stipulation to amend the scheduling order to allow time to produce and  
12 compile additional data associated with the site investigation (Docket No. 475). The Court entered an  
13 Order approving the Stipulation (Docket No. 477). The Participating Parties entered into a further  
14 stipulation to amend the scheduling order to allow time to develop a cost estimate and work plan for  
15 the proposed remediation (Docket No. 478). The Court entered an Order approving the Stipulation  
16 (Docket No. 479).

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

27 In light of the foregoing and due to upcoming expert disclosure and discovery deadlines,  
28 proceeding toward trial on the current schedule would unnecessarily waste the parties’ resources on

1 litigation instead of allowing the parties to focus their resources on coordinating with one another to  
2 prepare a work plan, obtain Regional Board approval, and participate in settlement negotiations.  
3 Therefore, the Participating Parties appearing in the above-entitled action hereby stipulate to extend  
4 the following deadlines six months:

- 5 1. Disclosure of experts and production of reports: no later than March 14, 2016;
- 6 2. Rebuttal experts and production of rebuttal expert reports: no later than May 10, 2016;
- 7 3. Discovery deadlines: no later than September 21, 2016;
- 8 4. Motion deadline: no later than December 23, 2016;
- 9 5. Final pretrial conference on February 20, 2017 or such time that is convenient for the  
10 Court;
- 11 6. Jury Trial on April 24, 2017, or such time that is convenient for the Court.

12 **SO STIPULATED.**

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14  
15  
16  
17 DATED: June 2, 2015

KOELLER, NEBEKER, CARLSON &  
HALUCK, LLP

/s/ William F. Ferguson

18  
19  
20 William J. Ferguson  
21 Attorneys for Defendants/Cross-Complainants/  
22 Third Party Plaintiffs, THE DAVIS CENTER,  
23 LLC; EMILY STOVER, Individually and as  
24 Trustee of the STOVER FAMILY TRUST and  
25 as Personal Representative for Melvin Stover  
26 (Deceased); and RICHARD ALBERT  
27 STINCHFIELD, Individually and as Trustee  
28 of the ROBERT S. STINCHFIELD  
SEPARATE REAL PROPERTY TRUST and  
as Trustee of the BARBARA ELLEN  
STINCHFIELD TESTAMENTARY TRUST

1 DATED: June 2, 2015

KING WILLIAMS & GLEASON LLP

2 /s/ Jennifer Hartman King

3 Jennifer Hartman King  
4 Shelby M. Gatlin  
5 Attorneys for Defendant, Cross-Complainant  
6 and Cross-Defendant CITY OF DAVIS

7 DATED: June 2, 2015

LAW OFFICES OF JEFFORY J. SCHARFF

8 /s/ Jeffory J. Scharff

9 Jeffory J. Scharff  
10 Attorney for Potter Taylor & Company, and its  
11 predecessors-in-interest: Potter, Long, Adams  
12 & Taylor, Ltd.; Davis Center; Potter-Taylor,  
13 Inc.; and Potter Taylor & Scurfield, Inc.

14 DATED: June 2, 2015

LAW OFFICES OF DANIEL W. SMITH

15 /s/ Daniel W. Smith

16 Daniel W. Smith  
17 Attorneys for Robert D. Russell (Deceased)  
18 and Irene Russell

19 DATED: June 2, 2015

DOWNEY BRAND LLP

20 /s/ Steven H. Goldberg

21 Steven H. Goldberg  
22 Olivia Marie Wright  
23 Attorneys for Marie L. Whitcombe  
24 (Deceased)

25 LAW OFFICES OF S. CRAIG HUNTER

26 DATED: June 2, 2015

27 /s/ S. Craig Hunter

28 S. Craig Hunter  
Attorney for Charles H. Lewis and Jane W.  
Lewis (Deceased)

**ORDER**

1  
2 For good cause and pursuant to the above stipulation of the Participating Parties, IT IS  
3 **HEREBY ORDERED** that: 1. Disclosure of experts and production of reports must occur no  
4 later than March 14, 2016;

5 2. Rebuttal experts and production of rebuttal expert reports must occur no later than  
6 May10, 2016;

7 3. All discovery must be completed no later than September 21, 2016;

8 4. All motions to be filed no later than December 23, 2016;

9 5. Final pretrial conference is reset to **February 27, 2017 at 2:00 p.m.:**

10 6. Jury trial is set for **April 25, 2017 at 9:00 a.m.**

11 **IT IS SO ORDERED.**

12 Dated: June 15, 2015

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14 **WILLIAM B. SHUBB**  
15 **UNITED STATES DISTRICT JUDGE**