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Exempt From Filing Fees Pursuant To
Government Code Section 6103

11 Attorneys for Defendant
12 CITY OF DAVIS

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

16 CHARLES H. LEWIS AND JANE W.
17 LEWIS,

18 Plaintiffs,

19 v.

20 ROBERT D. RUSSELL, ET AL.,

21 Defendants,

Case No.: CIV S-03-2646 WBS AC

**STIPULATION TO EXTEND TRIAL
AND OTHER DEADLINES SET FORTH
IN PRETRIAL SCHEDULING ORDER**

[PROPOSED] ORDER

[LR 144]

Trial Date: April 25, 2017

22
23 AND RELATED COUNTER, CROSS AND
24 THIRD PARTY CLAIMS.

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1 **STIPULATION**

2 The City of Davis (the “City”); The Davis Center LLC, Emily Stover, individually, and as
3 Trustee of the Stover Family Trust and as Personal Representative for Melvin Stover (Deceased);
4 and Richard Albert Stinchfield, Individually and as Trustee of the Robert A. Stinchfield Separate
5 Real Property Trust and as Trustee of the Barbara Ellen Stinchfield Testamentary Trust (“The
6 Davis Center”); Charles H. Lewis and Jane W. Lewis (Deceased) (“The Lewises”); Potter-Taylor
7 & Company, Potter Long, Adams & Taylor, Ltd., Davis Center, Potter-Taylor, Inc. and Potter
8 Taylor & Scurfield Inc. (“Potter Taylor”) (collectively, the “Participating Parties”), are parties to
9 the above-captioned matter. The Participating Parties, by and through their respective counsel,
10 hereby stipulate as follows:

11 WHEREAS, on August 12, 2013 The Davis Center moved to amend the scheduling order
12 (Docket No. 447) and the Participating Parties stipulated to extend the deadlines to disclose experts
13 (Docket No. 458). On August 30, 2013 The Court entered Orders granting the Motion (Docket No.
14 457) and approving the Stipulation (Docket No. 460).

15 WHEREAS, on February 28, 2014, the Participating Parties entered into a further stipulation
16 to amend the scheduling order to allow time to produce and compile data associated with the
17 investigative study (Docket No. 472). On March 3, 2014, the Court entered an Order approving the
18 Stipulation (Docket No. 474).

19 WHEREAS, on August 15, 2014, the Participating Parties entered into a further stipulation to
20 amend the scheduling order to allow time to produce and compile additional data associated with the
21 site investigation (Docket No. 475). On August 19, 2014, the Court entered an Order approving the
22 Stipulation (Docket No. 477).

23 WHEREAS, on December 12, 2014, the Participating Parties entered into a further stipulation
24 to amend the scheduling order to allow time to develop a cost estimate and work plan for the proposed
25 remediation (Docket No. 478). On the same day the Court entered an Order approving the Stipulation
26 (Docket No. 479).

27 WHEREAS, on June 2, 2015, the Participating Parties entered into a further stipulation to
28 amend the scheduling order to allow additional time to develop a cost estimate and work plan for the

1 proposed remediation and to enter into possible mediation in an effort to resolve the case (Docket No.
2 480). On June 15, 2015, the Court entered an Order approving the Stipulation (Docket No. 481).

3 WHEREAS, the Participating Parties held a mediation in December of 2015, and since
4 that time have continued to negotiate settlement terms among themselves and with the California
5 Central Valley Regional Water Quality Control Board; and,

6 WHEREAS, the Participating Parties, as defined above, believe they have reached
7 agreement on the major terms of a settlement, but require time to draft settlement documents and
8 secure approval of those terms by all Participating Parties, including the City of Davis City
9 Council; and to secure approval from the Central Valley Regional Water Quality Control Board, a
10 process that is likely to require at least another eight weeks; and

11 WHEREAS, due to the upcoming trial date, proceeding toward trial on the current schedule
12 would unnecessarily direct the Participating Parties' resources on trial preparation instead of allowing
13 the Participating Parties to focus their resources on coordinating with one another in an effort to reach
14 and finalize a mutually agreeable resolution and avoid the need for trial.

15 NOW THEREFORE, the Participating Parties hereby stipulate to extend the existing
16 deadlines to the following dates:

- 17 1. Dispositive motion filing deadline is reset to June 23, 2017;
- 18 2. Final pretrial conference is reset to August 20, 2017, or at such time that is convenient
19 for the Court;
- 20 3. Jury trial is reset for October 22, 2017, or at such time that is convenient for the Court.

21 Dated: December 21, 2016

Respectfully submitted,

22 KING WILLIAMS LLP

23 /s/ Jennifer Hartman King
24 Jennifer Hartman King

Attorneys City of Davis

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1 Dated: December 21, 2016

Respectfully submitted,

2 Koeller, Nebeker, Carlson & Haluck, LLP

3 /s/ Peter W. Dye (as authorized on December 20, 2016)
4 Peter W. Dye

5 Attorneys for The Davis Center LLC; Emily Stover,
6 individually, and as Trustee of the Stover Family Trust and
7 as Personal Representative for Melvin Stover (Deceased);
8 and Richard Albert Stinchfield, Individually and as Trustee
of the Robert A. Stinchfield Separate Real Property Trust
and as Trustee of the Barbara Ellen Stinchfield
Testamentary Trust

9 Dated: December 21, 2016

Respectfully submitted,

10 Law Offices of Francis M. Goldsberry

11 /s/ Francis M. Goldsberry (as authorized on December 20, 2016)
12 Francis M. Goldsberry

13 Attorneys for Potter-Taylor & Company, Potter Long,
14 Adams & Taylor, Ltd., Davis Center, Potter-Taylor, Inc. and
Potter Taylor & Scurfield Inc.

15 Dated: December 21, 2016

Respectfully submitted,

16 Schuering Zimmerman & Doyle LLP

17 /s/ Keith D. Chidlaw (as authorized on December 20, 2016)
18 Keith D. Chidlaw

19 Attorneys for Charles H. Lewis and Jane W. Lewis
20 (Deceased)

21 **ORDER**

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

- 24 1. Dispositive motion filing deadline is reset to June 23, 2017;
25 2. Final pretrial conference is reset to **August 28, 2017 at 1:30 p.m.**
26 3. Jury trial is set for **October 31, 2017 at 9:00 a.m.**

27 **IT IS SO ORDERED.**

28 Dated: December 21, 2016



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE