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DISTRIBUTOR, INC., JOHN CROWSTON,
8 REBECCA CROWSTON

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISION

12 PACIFIC GAS and ELECTRIC COMPANY,

13 Plaintiff,

14 vs.

15 JESSE M. LANGE DISTRIBUTOR, INC., ET
16 AL.,

17 Defendants.

Case No.: 2:05-CV-01180-JAM-KJM

**JOINT APPLICATION OF ALL
PARTIES FOR MODIFICATION OF
THE SCHEDULING ORDER; ORDER
THEREON**

18
19 All parties, by their undersigned counsel, hereby jointly apply for an order modifying the
20 Scheduling Order entered by this Court on December 1, 2006, and modified on or about October
21 24, 2007, and again on May 12, 2008, so as to continue the date for completion of percipient
22 discovery.

23 WHEREAS, upon order of the Regional Water Quality Control Board, defendant Jesse
24 M. Lange Distributors has initiated and continues with site characterization and remediation
25 activities on both its property and that of plaintiff's. Additional characterization activities are
26 necessary to further define and evaluate the scope of contamination and most effective means by
27 which to continue remediation.
28

1 WHEREAS, simultaneously with the above, the parties have been and continue to be
2 engaged in productive settlement discussions regarding plausible scenarios for informal
3 resolution of this complex environmental matter.

4 WHEREAS, trial is scheduled for December 7, 2009, with percipient discovery cut-off
5 set for March 16.

6 WHEREAS, the parties desire to continue site characterization and remediation efforts,
7 and settlement discussions, without having to shift all available resources to completing
8 percipient discovery by March 16, and therefore wish to extend percipient discovery to May 15,
9 2009.

10 NOW THEREFORE, the parties hereby jointly apply for relief from the current
11 Scheduling Order as follows:

12 Continuation of percipient discovery cut-off from March 16 to May 15, 2009.

13

14 DATED: February 16, 2009

ROPER, MAJESKI, KOHN & BENTLEY

15

16

By _____/S/_____

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Thomas H. Clarke, Jr.

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Timothy A. Dolan

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Attorneys for Plaintiff PACIFIC GAS AND
ELECTRIC COMPANY

20

DATED: February 17, 2009

BULLIVANT HOUSER BAILEY PC

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22

By _____/S/_____

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M. Taylor Florence

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Kevin Hughey

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Krista J. Dunzweiler

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Attorneys for Defendants JESSE M. LANGE
DISTRIBUTOR, INC., JOHN CROWSTON,
REBECCA CROWSTON

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DATED: February 11, 2009

MUNGER TOLLES & OLSON, LLP

By _____/S/_____
Patrick J. Cafferty, Jr.
Hoon Hwang
Attorneys for Defendant SHELL OIL
COMPANY

DATED: February 11, 2009

NEVIN, RAMOS & STEELE

By _____/S/_____
Geoffrey Wm. Steele
Attorneys for Defendants CENTER LAND
COMPANY OF TEXAS, INC. and
MICHAEL CURRY

ORDER

Upon consideration of the foregoing Application, and good cause appearing therefrom, it is hereby **ORDERED** that the Scheduling Order in this action is modified as follows:

Percipient discovery cut-off is continued from March 16 to May 15, 2009. All other pretrial dates are unchanged.

IT IS SO ORDERED.

DATED: February 17, 2009

/s/ John A. Mendez _____
HON. JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE