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9 YOLO COUNTY

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

11	ANDCO FARMS, INC.,)	Case No.: 2:08-CV-01553 JAM-JFM
12)	
13	Plaintiff,)	STIPULATED REQUEST TO VACATE
14	vs.)	OR CONTINUE TRIAL AND
15	YOLO COUNTY, et al.,)	DISCOVERY CUT-OFF DATES
16)	
17	Defendants,)	
18)	
19	Third Party Plaintiff,)	
20	vs.)	
21	ELEANOR BERTAGNA and BALJINDER)	
22	PUREWAL,)	
23	Third Party Defendants.)	

24 WHEREAS, the instant lawsuit brought by Andco Farms, Inc., against the County of
25 Yolo under §§ 107 and 113 of the Comprehensive Environmental Response Cost Liability Act
26 (CERCLA) seeks to determine an equitable allocation of response costs to remediate a former
27 burn dump, known as the Bryte Landfill;

28

1 WHEREAS, the County has brought a third party claim for contribution under § 113 of
2 CERCLA as against the former property owner, Baljinder Purewal, who has answered the
3 complaint;

4 WHEREAS, the parties are working cooperatively towards resolving the case by working
5 together to obtain an approved remediation plan and come to an agreement to share the costs
6 thereof;

7 WHEREAS, prior testing had indicated there was no groundwater contamination and the
8 parties had been proceeding on the assumption that no groundwater remediation would be
9 needed;

10 WHEREAS, obtaining an approved remediation plan has been made more difficult
11 because the California Central Valley Regional Water Quality Control Board has just recently
12 demanded additional testing to be done to ensure that there has been no groundwater
13 contamination since the original testing was done;

14 WHEREAS, until such further testing is done, it is impossible to determine whether or
15 not the Regional Water Quality Control Board will be satisfied with the proposed remediation
16 plans, or whether groundwater remediation may be necessary; and

17 WHEREAS, until the additional testing has been completed, it is impossible for the
18 parties hereto to resolve their dispute because the outcome of such testing could dramatically
19 affect the remediation costs;

20 The parties hereby stipulate and request that this Court vacate the existing dates for
21 discovery cut-offs, dispositive motion cut-offs, as well as the final pretrial conference and trial
22 dates, and either set new dates at least one year further or, in the alternative, set an additional
23 updated scheduling conference to take place within the next six months.

24 The parties agree that this additional time is necessary to first determine the extent of
25 additional groundwater testing that may be required by the Regional Water Quality Control

26 ///

27 ///

28 ///

1 Board, and to complete such testing which will then affect the parties' ability to engage in further
2 discussions to either settle the case or cooperate with each other to move towards remediating the
3 site.

4 **IT IS SO STIPULATED.**

5
6 Dated: June 16, 2010

ANGELO, KILDAY & KILDUFF

7 */s/ J. Scott Smith*

8 By: _____
9 J. SCOTT SMITH
Attorneys for Defendant YOLO COUNTY

10
11 Dated: June 15, 2010

LAW OFFICE OF KLAUS J. KOLB

12 */s/ Klaus J. Kolb*

13 By: _____
14 KLAUS J. KOLB
15 Attorneys for Plaintiff ANDCO FARMS,
16 INC.

17
18 Dated: June 10, 2010

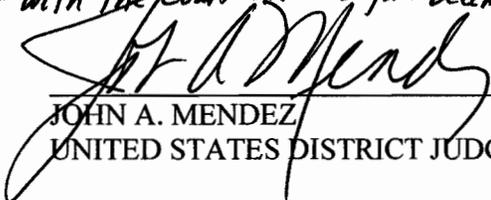
LAW OFFICE OF DOUGLAS A. MACDONALD

19 */s/ Douglas A. MacDonald*

20 By: _____
21 DOUGLAS A. MACDONALD
22 Attorneys for Third Party Defendant
23 BALJINDER PUREWAL

24 **IT IS SO ORDERED.** *All dates previously set are vacated. The parties shall file a joint status statement with the Court on or before December 17, 2010.*

25
26 Dated: June 17, 2010

27 
28 JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE