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

12 UNITED STATES OF AMERICA, and
 CALIFORNIA DEPARTMENT OF TOXIC
 13 SUBSTANCES CONTROL,

14 Plaintiffs,

15 vs.

16 STERLING CENTRECORP INC., STEPHEN P.
 17 ELDER, and ELDER DEVELOPMENT, INC.,

18 Defendants.

Case No. 2:08-cv-02556- MCE-JFM

**STIPULATION AND ORDER EXTENDING
 TIME FOR DESIGNATION OF EXPERTS
 AND EXCHANGE OF EXPERT REPORTS,
 AND HEARING DATE FOR DISPOSITIVE
 MOTIONS (PHASE II)**

Trial Date: July 18, 2016
 Judge: Hon. Morrison C. England, Jr.

[Complaint Filed: October 27, 2008]

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California Department of Toxic Substances Control
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1 **STIPULATION EXTENDING TIME FOR EXCHANGE OF EXPERT REPORTS AND**
2 **HEARING DATE FOR DISPOSITIVE MOTIONS**

3 WHEREAS, on July 1, 2015, the Court entered the Amendment to the Phase II Pretrial
4 Scheduling Order (ECF No. 238) extending to September 10, 2015, the last day on which all parties
5 to the above-captioned action are to serve on all other parties the name, address, and area of
6 expertise of each expert that they propose to tender at trial, and exchange expert reports, and;

7 WHEREAS, Plaintiffs United States of America, on behalf of the Environmental Protection
8 Agency (“EPA”), and the California Department of Toxic Substances Control (“DTSC”)
9 (collectively “Plaintiffs”) have continued to produce large volumes of documents in response to the
10 May 11, 2015 document requests of Defendant Sterling Centrecorp, Inc. (“Sterling”); and

11 WHEREAS, at the time the Parties sought the extension of expert disclosures to September
12 10, the Parties expected that Plaintiffs’ document production would conclude by July 31, 2015; and

13 WHEREAS, on July 31, 2015, Sterling received over 25,000 pages of documents from
14 Plaintiffs; and

15 WHEREAS, because of a bates-numbering error, DTSC will need to re-produce 36
16 documents comprising 4,700 pages produced on July 31, which production should occur by August
17 18; and

18 WHEREAS, in mid-July, in the course of reviewing electronically-stored information, the
19 United States discovered that documents generated with EPA’s now-replaced email system could not
20 be accessed with its current system and it was necessary for EPA to devise a means of accessing
21 those documents; and

22 WHEREAS, on August 4, 2015, the United States advised that a means had been devised to
23 access the EPA documents and 72 additional responsive documents were received by Sterling on
24 August 13; and

25 WHEREAS, Sterling cannot reasonably review and analyze all of the documents recently
26 produced and the documents still to be re-produced in time to allow its experts to incorporate any
27 relevant information and still meet the current September 10 deadline for exchange of expert reports;
28 and

1 WHEREAS, Sterling expects that it will need until October 2, 2015, a 22-day extension of
2 the current deadline, to designate experts and exchange expert reports; and

3 WHEREAS, postponing the initial disclosure of experts will necessitate extending the
4 deadline for designating supplemental experts and extending by approximately two weeks the
5 deadline for completing expert discovery; and

6 WHEREAS, the Parties agree that the complexity of issues that may be addressed in
7 dispositive motions merits extending the briefing schedule set by the local rules; and

8 WHEREAS, the Parties agree that a four-week extension of the March 17, 2016, date for
9 hearing dispositive motions does not necessitate changing the dates for trial, the final pre-trial
10 conference or other related deadlines.

11 NOW THEREFORE, Plaintiffs and Sterling (collectively, "Parties") hereby jointly stipulate
12 and respectfully request that Court vacate the current deadlines for the disclosure of experts, the
13 disclosure of supplemental experts, the close of expert discovery, and the date for hearing dispositive
14 motions and adopt the following dates:

15 Designation of experts and exchange of expert reports – **October 2, 2015;**

16 Designation of supplemental experts – **November 13, 2015;**

17 Close of expert discovery – **December 4, 2015;**

18 Last date for hearing dispositive motions – **April 14, 2016.**

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SO STIPULATED.

For Plaintiff United States of America

DATED: August 14, 2015

/s/ Patricia L. Hurst
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GABRIEL ALLEN
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PAUL CIRINO
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For Plaintiff Department of Toxic Substances Control

KAMALA D. HARRIS
Attorney General of California
SUSAN FIERING
Supervising Deputy Attorney General

DATED: August 14, 2015

/s/ Timothy E. Sullivan
TIMOTHY E. SULLIVAN
Deputy Attorney General
1515 Clay St., 20th Floor
P.O. Box 70550
Oakland, CA 94612

Counsel for Plaintiffs United States of America and Department of Toxic Substances Control have authorized Defendant Sterling Centrecorp to file this Stipulation on behalf of these Parties; Defendant Sterling Centrecorp will retain documents evidencing this authorization.

For Defendant Sterling Centrecorp, Inc.

DATED: August 14, 2015

/s/ Gary J. Smith
GARY J. SMITH
Beveridge & Diamond, P.C.
456 Montgomery Street , Suite 1800
San Francisco, CA 94104

1 **ORDER**

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3 In view of this Stipulation, the Court finds that good cause exists for issuance of an Order
4 extending pretrial deadlines as follows:

5 Designation of experts and exchange of expert reports – **October 2, 2015;**


6 Designation of supplemental experts – **November 13, 2015;**

7 Close of expert discovery – **December 4, 2015;**

8 Last date for hearing dispositive motions – **April 14, 2016.**

9 IT IS SO ORDERED

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11 Dated: August 19, 2015

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14 MORRISON C. ENGLAND, JR., CHIEF JUDGE
15 UNITED STATES DISTRICT COURT
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