

SOMACH SIMMONS & DUNN
A Professional Corporation

1 SOMACH SIMMONS & DUNN
Paul S. Simmons, Esq. (SBN 127920)
2 E-Mail: psimmons@somachlaw.com
Theresa A. Dunham, Esq. (SBN 187644)
3 E-Mail: tdunham@somachlaw.com
Kanwarjit S. Dua, Esq. (SBN 214591)
4 E-Mail: kdua@somachlaw.com
500 Capitol Mall, Suite 1000
5 Sacramento, CA 95814
Telephone: (916) 446-7979
6 Facsimile: (916) 446-8199

7 Attorneys for Defendant and Third Party Plaintiff
CITY OF STOCKTON, a municipal corporation
8

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11

12 COALITION FOR A SUSTAINABLE DELTA,
a California nonprofit corporation, et al.

13 Plaintiffs,
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15 v.

16 CITY OF STOCKTON, a municipal corporation,
and COUNTY OF SAN JOAQUIN, a political
subdivision of the State of California,
17

18 Defendants.

Case No. 2:09-cv-00466 JAM/DAD

STIPULATION AND ORDER FOR
CONTINUED STAY OF PROCEEDINGS
AND JOINT STATUS REPORT

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STIPULATION AND PROPOSED ORDER FOR CONTINUED STAY OF PROCEEDINGS
AND JOINT STATUS REPORT

Defendants the City of Stockton (“City) and the County of San Joaquin (“County”), and Plaintiffs Coalition for a Sustainable Delta, Belridge Water Storage District, Berrenda Mesa Water District, Cawelo Water District, North of the River Municipal Water District, Wheeler Ridge-Maricopa Water Storage District, and Dee Dillon (“Plaintiffs”), (collectively “Parties”) submit the following Joint Status Report pursuant to the Court’s February 23, 2011 Stipulation and Order Staying Proceedings.

I. STATUS OF THE CASE

On February 23, 2011, this Court issued a Stipulation and Order Staying Proceedings (Docket #89), staying all proceedings in the case, vacating all dates set by the August 16, 2010 Order Modifying the Second Amended Status Order (Docket #87), and ordering a status report be filed on or before August 17, 2011, to inform the Court of the parties’ progress towards settlement. Since that time, the Parties have been engaged in substantive settlement discussions. As result of those discussions, the Parties agreed to undertake an independent assessment (“Assessment”) of portions of Defendants’ MS4 program, currently being performed by an independent consultant approved of by the Parties. The consultant’s resulting report may provide a basis for the Parties to negotiate and approve the terms of a final settlement. The Parties expect the Assessment and resulting report from the consultant to be complete by October 21, 2011, after which the Parties expect to engage in substantive discussion and negotiation that, by agreement of the Parties, will not last longer than four months.

As a result, the Parties wish and hereby agree that the stay ordered on February 23, 2011, remain effective, and will submit a further status report on or before October 31, 2011, informing the Court of the status of the Assessment. The Parties further request that a status conference in this matter be scheduled for February 21, 2012. Notwithstanding the stay, the Parties desire to retain the ability to reinstitute litigation in the event performance of the Assessment becomes unreasonably delayed or otherwise fails.

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1 **II. STIPULATION**

2 NOW THEREFORE IT IS HEREBY STIPULATED by and among the Parties that:

3 A status report will be submitted on or before October 31, 2011, informing the Court of
4 the status of the Assessment.

5 A status conference will be held on February 21, 2012 to further inform the Court of the
6 Parties' progress towards final settlement.

7 SOMACH SIMMONS & DUNN
8 A Professional Corporation

9 DATED: August 16, 2011

By /s/ Kanwarjit S. Dua
Kanwarjit S. Dua

10 Attorneys for Defendant CITY OF STOCKTON

11 BARG COFFIN LEWIS & TRAPP, LLP

12 DATED: August 16, 2011

13 By /s/ Joshua A. Bloom
14 JOSHUA A. BLOOM

15 Attorneys for Plaintiffs Coalition for a Sustainable
16 Delta, Belridge Water Storage District, Berrenda mesa
17 Water District, Cawelo Water District, North of the
18 River Municipal Water District, Wheeler Ridge-
19 Maricopa Water Storage District, and Dee Dillon

20 DOWNEY BRAND LLP

21 DATED: August 16, 2011

By /s/ Nicole E. Granquist
22 NICOLE E. GRANQUIST

23 Attorneys for Defendant County of San Joaquin

ORDER

Having considered the Parties' Joint Status Report and stipulated request to schedule a status conference, and GOOD CAUSE appearing therefore, the Court hereby orders the following:

A status report will be submitted on or before October 31, 2011, informing the Court of the status of the Assessment.

A status conference will be held on February 21, 2012, to further inform the Court of the Parties' progress towards final settlement.

IT IS SO ORDERED.

DATED: August 22, 2011

/s/ John A. Mendez
Hon. John A. Mendez
United States District Court Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a true and correct copy of the foregoing STIPULATION AND
3 PROPOSED ORDER FOR CONTINUED STAY OF PROCEEDINGS AND JOINT STATUS
4 REPORT will be e-filed on August 16, 2011, and will be automatically served upon counsel of
5 record, all of whom appear to be subscribed to receive notice from the ECF system.

6 /s/ Kanwarjit S. Dua
7 Kanwarjit S. Dua