

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
 8 CITY OF STOCKTON, a municipal corporation

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11
 12 COALITION FOR A SUSTAINABLE DELTA,
 13 a California nonprofit corporation, et al.

14 Plaintiffs,

15 v.

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

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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SOMACH SIMMONS & DUNN
 A Professional Corporation

1 Defendants the City of Stockton (“City”) and the County of San Joaquin (“County”), and
2 Plaintiffs Coalition for a Sustainable Delta, Belridge Water Storage District, Berrenda Mesa
3 Water District, Cawelo Water District, North of the River Municipal Water District, Wheeler
4 Ridge-Maricopa Water Storage District, and Dee Dillon (“Plaintiffs”), (collectively “Parties”)
5 submit the following Joint Status Report pursuant to the Court’s October 31, 2011, Order filed as
6 Docket No. 93.

7 **I. STATUS OF THE CASE**

8 On February 23, 2011, this Court issued a Stipulation and Order Staying Proceedings
9 (Docket No. 89), staying all proceedings in the case, vacating all dates set by the August 16, 2010
10 Order Modifying the Second Amended Status Order (Docket No. 87), and ordering a status report
11 be filed on or before August 17, 2011, to inform the Court of the Parties’ progress towards
12 settlement. On August 16, 2011, the Parties submitted a Stipulation and Order for Continued
13 Stay of Proceedings and a Joint Status Report (Docket No. 90), informing the Court that the
14 Parties continued to be engaged in settlement discussions, including an agreement to undertake an
15 independent assessment (“Assessment”) of portions of Defendants’ MS4 program to be
16 performed by an independent consultant approved by the Parties. On August 22, 2011, this Court
17 issued a Minute Order (Docket No. 91) continuing the stay of proceedings, scheduling a status
18 conference for February 21, 2012, and requiring the submittal of a status report on or before
19 October 31, 2011, informing the Court of the status of the Assessment.

20 On October 31, 2011, the Parties submitted a status report (Docket No. 92) informing the
21 Court that the Assessment was ongoing, but had not yet been completed and that the Assessment
22 was expected to be submitted to the Parties sometime during the week of November 14, 2011.
23 On October 31, 2011, the Court issued a Minute Order (Docket No. 93) instructing the Parties to
24 submit another status report on or before February 3, 2012, providing the Court with a status
25 update.

26 The Assessment was submitted to the Parties on November 22, 2011. The Parties met
27 with the consultant in December 2011 to jointly review the Assessment and recommendations
28 proposed therein. The Parties have since exchanged proposed settlement terms that could form

1 the basis of a full settlement in this matter. On January 20, 2012, the Parties met to discuss the
2 respective proposed terms. While the Parties have continued to negotiate in good faith in their
3 attempt to reach settlement, they require additional time to continue settlement discussions.

4 As a result, the Parties wish and hereby agree that the stay ordered on February 23, 2011,
5 remain effective, and that the Parties will submit a further status report on or before March 30,
6 2012, informing the Court of the status of settlement negotiations. The Parties further request that
7 the Court reset the status conference currently scheduled for February 21, 2012 in this matter to
8 April 20, 2012. Notwithstanding the stay, the Parties desire to retain the existing ability to
9 reinstate litigation in the event settlement negotiations become unreasonably delayed or
10 otherwise fail.

11 **II. STIPULATION**

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

13 A status report will be submitted on or before March 30, 2012, informing the Court of the
14 status of settlement negotiations, whether or not they would like the Court's assistance in
15 mediation, and, if necessary, propose a discovery and trial schedule in the event settlement
16 negotiations have not proceeded satisfactorily.

17 The status conference scheduled for February 21, 2012 is vacated.

18 A status conference will be held on April 20, 2012, to further inform the Court of the
19 Parties' progress towards final settlement. In the event settlement negotiations have not
20 proceeded satisfactorily, such time shall be used to determine dates for mediation, if appropriate,
21 and set discovery and trial dates.

22 SOMACH SIMMONS & DUNN
23 A Professional Corporation

24 DATED: February 3, 2012

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

25 Attorneys for Defendant CITY OF STOCKTON

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BARG COFFIN LEWIS & TRAPP, LLP

DATED: February 3, 2012

By /s/ Joshua A. Bloom (as authorized on 2/1/12)
JOSHUA A. BLOOM

Attorneys for 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

DOWNEY BRAND LLP

DATED: February 3, 2012

By /s/ Nicole E. Granquist (as authorized on 2/1/12)
NICOLE E. GRANQUIST
Attorneys for Defendant County of San Joaquin

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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 March 30, 2012, informing the Court of the status of settlement negotiations, whether or not the Parties would like the Court's assistance in mediation, and, if necessary, propose a discovery and trial schedule in the event settlement negotiations have not proceeded satisfactorily.

The status conference scheduled for February 21, 2012 is vacated.

A status conference will be held on April 20, 2012, to further inform the Court of the Parties' progress towards final settlement. In the event settlement negotiations have not proceeded satisfactorily, such time shall be used to determine dates for mediation, if appropriate, and set discovery and trial dates.

IT IS SO ORDERED.

DATED: February 3, 2012

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