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13 Attorneys for Defendant
 14 DAVIS WASTE REMOVAL CO., INC.

15 **UNITED STATES DISTRICT COURT**
 16 **EASTERN DISTRICT OF CALIFORNIA**

17 CALIFORNIA SPORTFISHING
 18 PROTECTION ALLIANCE, a non-profit
 corporation,

19 Plaintiff,

20 vs.

21 DAVIS WASTE REMOVAL CO., INC.,
 22 a corporation,

23 Defendant.

Case No. Civ-02079-GEB-JFM

**PARTIES' STIPULATED REQUEST TO
 EXTEND CASE MANAGEMENT DATES
 AND ORDER**

Judge: Hon. Garland E. Burrell, Jr.

24
 25 Plaintiff California Sportfishing Protection Alliance ("CSPA") and Defendant Davis Waste
 26 Removal Co., Inc. ("Davis Waste") submit this Stipulated Request To Extend Case Management Dates
 27 and Proposed Order to extend the existing case management deadlines in this matter to permit the
 28 Parties to continue pursuing settlement negotiations and, if necessary, complete discovery.

1 **STIPULATION**

2 WHEREAS, on August 5, 2010, CSPA filed the instant Complaint against Defendant alleging
3 ongoing violations of Sections 301(a) and 402(p) of the Clean Water Act, 33 U.S.C. § 1311(a) and
4 1342(p), due to discharges of polluted storm water from the Facility in violation of State Water
5 Resources Control Board Water Quality Order No. 97-03-DWQ, National Pollutant Discharge
6 Elimination System General Permit No. CAS000001, Waste Discharge Requirements for Discharges of
7 Storm Water Associated with Industrial Activities Excluding Construction Activities (“General
8 Permit”).

9 WHEREAS, on December 6, 2010, this Court issued its Status (Pretrial Scheduling) Order
10 setting the following case management dates (“Existing Schedule”):

11 July 5, 2011 – Complete initial expert witness disclosures;

12 August 4, 2011 – Complete any contradictory and/or rebuttals to expert disclosures

13 December 21, 2011 – Complete all expert and non-expert discovery;

14 February 21, 2012 (9:00 a.m.) – last hearing date for motions (not including motions for
15 continuances, temporary restraining orders, emergency applications, or motions under Rule 16(e)
16 of the Federal Rules of Civil Procedure);

17 April 9, 2012 - Pretrial Statement due;

18 April 16, 2012 (1:30 p.m.) - Pretrial Conference;

19 July 17, 2012 (9:00 a.m.) – Trial.

20 WHEREAS, the Parties are presently engaged in negotiating an informal settlement of this
21 action. The Parties conducted an initial site inspection of the Davis Waste facility on August 27, 2010.
22 On January 5, 2011, CSPA submitted an initial settlement proposal to Davis Waste, setting forth the
23 steps CSPA believes necessary for Davis Waste to comply with the General Permit. Since that time, the
24 Parties have engaged in telephone conferences to discuss settlement, and on April 18, 2011, CSPA
25 submitted a further settlement proposal to Davis Waste reflecting the mutual settlement terms discussed
26 during the telephone conferences. The Parties are presently negotiating the final terms of the settlement
27 agreement, and believe that the case should be amenable to informal settlement.

28 WHEREAS, under the Existing Schedule, the Parties would be required to complete initial
expert disclosures by July 5, 2011, rebuttals to expert disclosures by August 4, 2011, and to engage in

1 and complete all necessary discovery by December 21, 2011, among other case management deadlines,
2 during a time in which the Parties are attempting to negotiate a final settlement of the case. Compliance
3 with these upcoming deadlines would require a significant expenditure of time and resources from the
4 Parties, which expenditure will be unnecessary if the Parties are able to reach a settlement.
5 Additionally, with regard to discovery, additional time would be necessary for CSPA to conduct site
6 inspections of the Davis Waste facility during the October 2011 to February 2012 rainy season.

7 THEREFORE, GOOD CAUSE APPEARING, the parties hereby stipulate and request that the
8 Court order the following revised case management schedule:

9 March 30, 2012 – Complete initial expert witness disclosures;

10 April 30, 2012 – Complete any contradictory and/or rebuttals to expert disclosures;

11 August 27, 2012 – Complete all expert and non-expert discovery;

12 September 28, 2012 – last hearing date for motions (not including motions for continuances,
13 temporary restraining orders, emergency applications, or motions under Rule 16(e) of the Federal
14 Rules of Civil Procedure);

15 November 18, 2012 - Pretrial Statement due;

16 November 27, 2012 - Pretrial Conference;

17 February 25, 2013 – Trial.

18 The Parties believe this case is amenable to informal settlement. The Parties further believe that
19 this proposed extended case management schedule will conserve the time and resources of both the
20 Parties and the Court, will permit the Parties to continue negotiating an informal resolution of this matter
21 before engaging in a substantial amount of discovery.

22 To the extent that the Court may not be inclined to grant any dates requested herein, the Parties
23 request that the Court set an expedited Status Conference to otherwise extend case management
24 deadlines.

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1 Respectfully submitted,

2 Dated: June 27, 2011

3 LOZEAU DRURY LLP

4
5 By: /s/ Christina M. Caro
6 Michael R. Lozeau
7 Christina M. Caro
8 Attorney for Plaintiff
9 California Sportfishing Protection Alliance

10 JEFFREY J. SCHARFF

11
12 By: /s/ Jeffory J. Scharff
13 (as authorized June 27, 2011)
14 Jeffory J.Scharff
15 Attorney for Defendant
16 Davis Waste Removal Co., Inc.

17 **ORDER**

18 IT IS SO ORDERED.

19 **Date: 7/1/2011**

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21 
22 GARLAND E. BURRELL, JR.
23 United States District Judge
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