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Attorneys for Third-Party Defendant  
GOOGLE INC.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CAROLINA CASUALTY INSURANCE  
COMPANY,

Plaintiff,

vs.

OAHU AIR CONDITIONING SERVICE, INC.  
dba OAHU AIR CONDITIONING CO.,  
PACIFIC COMMERCIAL SERVICES, LLC,  
MATSON NAVIGATION COMPANY, INC.,  
and DOES 1 through 100,

Defendants.

Case No. 2:13-cv-01378-WBS-AC

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
FOR EXTENSION FOR GOOGLE INC.  
AND KAISER PERMANENTE VENTURES  
LLC TO MAKE FRCP RULE 26(a)(1)  
INITIAL DISCLOSURES**

1<sup>st</sup> Am. Complaint Filed: November 1, 2013  
1<sup>st</sup> Am. Third Party Comp. Filed: April 28, 2015  
Trial Date: October 12, 2016

OAHU AIR CONDITIONING SERVICE,  
INC.,

Third-Party Plaintiff,

vs.

CLEAN HARBORS ENVIRONMENTAL  
SERVICES, INC., SMITH SYSTEMS  
TRANSPORTATION, INC., KAISER  
PERMANENTE VENTURES, LLC,  
GOOGLE, INC., FOOTHILL-DE ANZA  
COMMUNITY COLLEGE DISTRICT,  
TEST AMERICA LABORATORIES, INC.,  
& NEKTAR THERAPEUTICS,

Third-Party Defendants.

1 Pursuant to Federal Rule of Civil Procedure, Rule 26(f) and Local Rule 143, Plaintiff  
2 Carolina Casualty Insurance Company, Third Party Plaintiff Oahu Air Conditioning Service, Inc.  
3 dba Oahu Air Conditioning Co. ("Oahu"), Defendant Pacific Commercial Services, LLC, and  
4 Third Party Defendants Clean Harbors Environmental Services, Inc., Smith Systems  
5 Transportation, Inc., Google Inc. ("Google"), Kaiser Permanente Ventures, LLC ("Kaiser"),<sup>1</sup>  
6 Foothill-De Anza Community College District ("Foothill"), and Test America Laboratories, Inc.  
7 ("Test America") (collectively, the "Parties"), by and through their respective counsel of record,  
8 hereby stipulate and agree and seek a court order as follows:

9 **RECITALS**

10 WHEREAS the Complaint in this Action was filed on July 8, 2013 and a First Amended  
11 Complaint was filed on November 1, 2013;

12 WHEREAS Oahu filed a Third Party Complaint in the Action on February 25, 2014 which  
13 did not name either Kaiser or Google as Third Party Defendants;

14 WHEREAS the Court conducted a Status (Pretrial Scheduling) Conference on March 31,  
15 2014 and subsequently issued a Status (Pretrial Scheduling) Order on April 3, 2014 (the "April 3  
16 Status Order") [Dkt. No. 47], which set the date for Federal Rule of Civil Procedure 26(a)(1)  
17 Initial Disclosures as May 2, 2014, and set the trial date in this Action for January 12, 2016;

18 WHEREAS the Court subsequently modified the April 3 Status Order on March 18, 2015  
19 [Dkt. No. 121] and, most recently, entered an Order Granting Oahu's Ex Parte Application for an  
20 Order Modifying the March 18, 2015 Status (Pretrial Scheduling) Order, and for Continuance of  
21 the Trial Date and All Other Deadlines [Dkt. No. 146], and the new trial date is now October 12,  
22 2016;

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26 <sup>1</sup> Kaiser Permanente Ventures, LLC is not the correct defendant based on the acts and/or  
27 omissions stated in the Third Party Complaint, and is not intending to waive any rights, remedies  
28 or defenses with respect to whether it is a proper party by this stipulation for an extension of time  
to respond.

1 WHEREAS pursuant to motion by Oahu, the Court entered an order granting Oahu the  
2 right to file an amended Third Party Complaint to name additional parties, including Google and  
3 Kaiser [Dkt. No. 132];

4 WHEREAS Oahu filed its First Amended Third Party Complaint on April 28, 2015;

5 WHEREAS Oahu served Google and Kaiser, respectively, with the First Amended Third  
6 Party Complaint on May 13, 2015;

7 WHEREAS Oahu has stipulated to an extension of time to and including July 1, 2015,  
8 within which Google and Kaiser, respectively, may have to plead or otherwise respond to the First  
9 Amended Third Party Complaint and said Stipulations were filed with the Court [Dkt. Nos. 144  
10 and 147];

11 WHEREAS the Federal Rules of Civil Procedure, Rule 26(a)(1)(D) require that parties  
12 joined after the Rule 26(f) conference must make their initial disclosures within 30 days after  
13 being served or joined, unless a different time is set by stipulation or court order, which would  
14 require Google and Kaiser, respectively, to serve their Rule 26(a)(1) disclosures by Friday, June  
15 12, 2015, absent stipulation or order, prior to the due date for their respective responsive  
16 pleadings;

17 WHEREAS the Parties understand and agree that sufficient time should be allowed for  
18 Google and Kaiser to investigate the facts, issues, claims, documents and witnesses regarding the  
19 alleged July 11, 2011 incident; to review the two years of pleadings already filed in the case and  
20 the discovery already undertaken by and between other parties; to undertake other preliminary  
21 steps in connection with the defense of the claims against them and to file responsive pleadings,  
22 which could include motions to dismiss and/or strike some or all of the claims against each of  
23 them in the First Amended Third Party Complaint, and that said efforts should be allowed to be  
24 undertaken and said motion(s) should be heard before either party is required to serve Rule  
25 26(a)(1) Initial Disclosures;

26 WHEREAS Google and Kaiser have requested a 90-day extension of time, to and  
27 including September 10, 2015, by which to serve each of their respective Rule 26(a)(1) Initial  
28

1 Disclosures in this Action and the Parties agree that such extension is reasonable and appropriate  
2 under the circumstances; and

3 WHEREAS Google and Kaiser would be prejudiced absent the requested extension, but no  
4 other party will be prejudiced if it is granted.

5 NOW THEREFORE, the Parties, and each of them, enter into the following Stipulation.

6 **STIPULATION**

7 1. The Recitals are hereby incorporated by reference in this Stipulation.

8 2. The Parties hereby stipulate and agree to an extension of 90 days, to and including  
9 September 10, 2015, by which Google and Kaiser, respectively, shall serve their Federal Rule of  
10 Civil Procedure Rule 26(a)(1) Initial Disclosures in this Action.

11  
12 Dated: June 9, 2015

CHOLAKIAN & ASSOCIATES

13  
14 By: /s/ Kevin K. Cholakian  
15 (as authorized on June 9, 2015)

16 KEVIN K. CHOLAKIAN  
17 BRIAN J. FINN  
18 JAMES J. ISON  
19 Attorneys for Plaintiff CAROLINA  
20 CASUALTY INSURANCE COMPANY  
21 And Third Party Defendant SMITH  
22 SYSTEMS AND TRANSPORTATION,  
23 INC.

24  
25 Dated: June 8, 2015

DONGELL LAWRENCE FINNY LLP

26 By: /s/Christopher T. Johnson  
27 (as authorized on June 8, 2015)

28 JOSHUA N. LEVINE  
CHRISTOPHER T. JOHNSON  
Attorneys for Defendant and Third-Party  
Plaintiff PACIFIC COMMERCIAL  
SERVICES LLC

1 Dated: June 8, 2015

BASSI EDLIN HUIE & BLUM LLP

2

3

By: */s/ Noel Edlin*

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(as authorized on June 8, 2015)

5

NOEL EDLIN

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FARHEENA A. HABIB

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Attorneys for Defendant and Third-Party

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Complainant OAHU AIR CONDITIONING

SERVICE, INC. dba OAHU AIR

CONDITIONING CO

9 Dated: June 9, 2015

BURNHAM BROWN

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By: */s/ Thomas Michael Downey*

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(as authorized on June 9, 2015)

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ALISON F. GREEN

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THOMAS MICHAEL DOWNEY

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Attorneys for Third-Party Defendant

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CLEAN HARBORS ENVIRONMENTAL

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SERVICES, INC.

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1 Dated: June 8, 2015

WACTOR & WICK LLP

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By: */s/ William D. Wick*  
(as authorized on June 8, 2015)

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WILLIAM D. WICK  
ANNA L. NGUYEN  
Attorneys for Third-Party Defendant  
KAISER PERMANENT VENTURES, LLC

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8 Dated: June 9, 2015

LYNCH AND SHUPE, LLP

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10

By: */s/ Eric Shiu*  
(as authorized on June 9, 2015)

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LINDA J. LYNCH  
JOHN A. SHUPE  
ERIC SHIU  
Attorneys for Third-Party Defendant  
FOOTHILL DE ANZA COMMUNITY  
COLLEGE DISTRICT

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17 Dated: June 8, 2015

GORDON & REES LLP

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By: */s/ Brian M. Ledger*  
(as authorized on June 8, 2015)

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BRIAN M. LEDGER  
Attorneys for Third-Party Defendant  
TEST AMERICA LABORATORIES, INC.

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24 Dated: June 9, 2015

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

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By: */s/ Sandi L. Nichols*

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SANDI L. NICHOLS  
KAMRAN JAVANDEL  
Attorneys for Third-Party Defendant  
GOOGLE INC.

1 **IT IS SO ORDERED.**

2 **Dated: June 11, 2015**

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4 WILLIAM B. SHUBB  
5 UNITED STATES DISTRICT JUDGE  
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