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5 Attorneys for Third-Party Defendant  
TEST AMERICA LABORATORIES, INC.  
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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 CAROLINA CASUALTY INSURANCE ) CASE NO. 2:13-cv-01378-WBS-AC  
COMPANY, )  
12 )  
Plaintiff, )  
13 )  
vs. )  
14 )  
OAHU AIR CONDITIONING SERVICE, INC. dba )  
15 OAHU AIR CONDITIONING CO., PACIFIC )  
COMMERCIAL SERVICES, LLC, MATSON )  
16 NAVIGATION COMPANY, INC., and DOES 1 )  
through 100, )  
17 )  
Defendants. )  
18 )  
OAHU AIR CONDITIONING SERVICE, INC., ) 3<sup>rd</sup> Party Complaint Filed: 2/25/2014  
19 ) 1<sup>st</sup> Amended 3<sup>rd</sup> Party Complaint  
Third-Party Plaintiff, ) Filed: April 28, 2015  
20 )  
vs. ) Trial Date: 4/12/2016  
21 )  
22 CLEAN HARBORS ENVIRONMENTAL )  
SERVICES, INC., SMITH SYSTEMS )  
23 TRANSPORTATION, INC., KAISER )  
PERMANENTE VENTURES, LLC, GOOGLE, )  
24 INC., FOOTHILL-DE ANZA COMMUNITY )  
COLLEGE DISTRICT, TEST AMERICA )  
25 LABORATORIES, INC., & NEKTAR )  
THERAPEUTICS, )  
26 )  
Third-Party Defendants )  
27 )  
28 )

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., Kaiser Permanente Ventures, LLC,<sup>1</sup> Google Inc., Foothill-De Anza  
6 Community College District, and Test America Laboratories, Inc. ("TEST AMERICA")  
7 (collectively, the "Parties"), by and through their respective counsel of record, hereby stipulate  
8 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  
13 which did not name Test America as a 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;

23 WHEREAS pursuant to motion by Oahu, the Court entered an order granting Oahu the  
24 right to file an amended Third Party Complaint to name additional parties, including TEST  
25 AMERICA [Dkt. No. 132];

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

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

1           WHEREAS Oahu served TEST AMERICA, respectively, with the First Amended Third  
2 Party Complaint on May 13, 2015;

3           WHEREAS Oahu has stipulated to an extension of time to and including July 1, 2015,  
4 within which TEST AMERICA, respectively, may have to plead or otherwise respond to the  
5 First Amended Third Party Complaint and said Stipulations were filed with the Court [Dkt. Nos.  
6 144 and 147];

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

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

22           WHEREAS TEST AMERICA has requested a 90-day extension of time, to and including  
23 September 10, 2015, by which to serve each of their respective Rule 26(a)(1) Initial Disclosures  
24 in this Action and the Parties agree that such extension is reasonable and appropriate under the  
25 circumstances; and

26           WHEREAS TEST AMERICA would be prejudiced absent the requested extension, but  
27 no other party will be prejudiced if it is granted.

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

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**STIPULATION**

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

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

Dated: June 11, 2015

GORDON & REES LLP

By: /s/ Brian M. Ledger  
Brian M. Ledger  
Attorneys for Third-Party Defendant  
TEST AMERICA LABORATORIES,  
INC.

Dated: June 11, 2015

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LP

By: /s/ Kamran Javander  
Sandi L. Nichols  
Kamran Javandel  
Attorneys for Third-Party Defendant  
GOOGLE INC.  
(Electronic signature authorized by Mr.  
Javander)

Dated: June 11, 2015

CHOLAKIAN & ASSOCIATES

By:   
Kevin K. Cholakina  
Brian J. Finn  
James J. Ison  
Attorneys for Plaintiff  
CAROLINA CASUALTY  
INSURANCE COMPANY and Third-  
Party Defendant SMITH SYSTEMS  
TRANSPORTATION, INC.

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Date: June 11, 2015

DONGELL LAWRENCE FINNY LLP

By:   
Joshua N. Levine  
Christopher T. Johnson  
Attorneys for Defendant and Third-Party Plaintiff PACIFIC COMMERCIAL SERVICES LLC

Dated: June 11, 2015

BASSI EDLIN HUIE & BLUM LLP

By:   
Farheena A. Habib  
Attorneys for Defendant and Third-Party Complainant OAHU AIR CONDITIONING SERVICE, INC. dba OAHU AIR CONDITIONING CO.

Dated: June 11, 2015

BURNHAM BROWN

By:   
Alison F. Green  
Thomas Michael Downey  
Attorneys for Third-Party Defendant CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.

Dated: June 11, 2015

WACTOR & WICK LLP

By:   
William D. Wick  
Anna L. Nguyen  
Attorneys for Third-Party Defendant KAISER PERMANENT VENTURES, LLC

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Dated: June 11, 2015

LYNCH AND SHUP, LLP

By:   
Linda J. Lynch  
John A. Shupe  
Eric Shiu  
Attorneys for Third-Party Defendant  
FOOTHILL DE ANZA COMMUNITY  
COLLEGE DISTRICT

**IT IS SO ORDERED.**

Dated: June 15, 2015

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE