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West Coast Wood Preserving, LLC  
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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

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11 CALIFORNIA DEPARTMENT OF  
TOXIC SUBSTANCES CONTROL  
12 and the TOXIC SUBSTANCES  
CONTROL ACCOUNT,

13 Plaintiffs,

14 v.

15 JIM DOBBAS, INC., a California  
16 corporation; CONTINENTAL RAIL,  
INC., a Delaware corporation;  
17 DAVID VAN OVER, individually;  
PACIFIC WOOD PRESERVING, a  
18 dissolved California corporation; and  
WEST COAST WOOD  
19 PRESERVING, LLC, a Nevada  
limited liability company,

20 Defendants.  
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22 AND RELATED CROSSCLAIMS  
AND COUNTERCLAIMS.  
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Case No. 2:14-cv-00595-WBS-EFB

**STIPULATION BY DEFENDANT  
WEST COAST WOOD PRESERVING,  
LLC AND PLAINTIFFS  
CALIFORNIA DEPARTMENT OF  
TOXIC SUBSTANCES CONTROL  
AND THE TOXIC SUBSTANCES  
CONTROL ACCOUNT REGARDING  
SETTLEMENT IN PRINCIPLE AND  
CONTINUATION OF WEST COAST  
WOOD PRESERVING'S MOTION  
FOR SUMMARY JUDGMENT;  
[PROPOSED] ORDER**

Judge: William B. Shubb

Trial: January 4, 2017

Action Filed: March 3, 2014

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2 **STIPULATION**

3 WHEREAS Plaintiffs California Department of Toxic Substances Control  
4 and the Toxic Substances Control Account (collectively “Plaintiffs”) filed a  
5 Complaint in the above-captioned action on March 3, 2014, and filed a First  
6 Amended Complaint (“FAC”) on December 11, 2014;

7 WHEREAS Defendant West Coast Wood Preserving, LLC (“WCWP”) filed  
8 an Answer to the Complaint on June 10, 2014, and an Answer to the FAC on  
9 January 5, 2015;

10 WHEREAS WCWP filed a Motion for Summary Judgment (“Motion”) on  
11 December 15, 2014;

12 WHEREAS Plaintiffs filed an Opposition to the Motion on February 20,  
13 2015;

14 WHEREAS Plaintiffs and WCWP participated in a confidential mediation on  
15 March 3, 2015;

16 WHEREAS Plaintiffs and WCWP reached a settlement in principle at the  
17 mediation pending the completion of a written settlement agreement and the  
18 completion of the required governmental procedures and Court approval for such a  
19 settlement;

20 WHEREAS the Court has set the hearing for WCWP’s Motion on April 6,  
21 2015;

22 IT IS HEREBY STIPULATED by and between Plaintiffs and WCWP that:

23 1. WCWP’s Motion be taken off calendar for April 6, 2015, and  
24 continued until ten days after this Court holds a hearing on a Motion to Approve the  
25 [Proposed] Consent Decree Between Plaintiffs and Defendant WCWP (“Motion to  
26 Approve the Consent Decree”), which will be filed with the Court;

27 2. Plaintiffs and WCWP request that the Court set a hearing date of  
28 July 13, 2015, at 2:00 p.m. for a hearing on the Motion to Approve the Consent  
Decree. Should the public comment period required under 42 U.S.C. section

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2 9622(d)(2)(B) run longer than anticipated, the parties further stipulate that a request  
3 may be made for a continuance of the hearing on the Motion to Approve the  
4 Consent Decree.

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6 DATED: March 5, 2015

Respectfully submitted,

PERKINS COIE LLP

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8 By: /s/ Lester O. Brown

Lester O. Brown

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10 Attorneys for Defendant  
West Coast Wood Preserving, LLC

11 Respectfully submitted,

12 DATED: March 5, 2015

KAMALA D. HARRIS

Attorney General of California

SARAH E. MORRISON

Supervising Deputy Attorney General

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16 By: /s/ Dennis L. Beck, Jr.

Dennis L. Beck, Jr.

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18 Attorneys for Plaintiffs California  
Department of Toxic Substances Control and  
19 Toxic Substances Control Account

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21 **ATTESTATION**


22 I, Lester O. Brown, do hereby declare pursuant to Rule 131(e) of the Local  
23 Rules of the United States District Court for the Eastern District of California that I  
24 obtained concurrence in the filing of the foregoing document from Plaintiffs'  
25 counsel Dennis L. Beck, Jr. on this 5th day of March, 2015.

26 /s/ Lester O. Brown

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**IT IS SO ORDERED.** The Motion to Approve the Consent Decree shall be heard on July 13, 2015 at 2:00 p.m. Defendant West Coast Wood Preserving, LLC's Motion for Summary Judgment is continued to July 27, 2015 at 2:00 p.m.

Dated: March 6, 2015

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE