

1 KAMALA D. HARRIS, State Bar No. 146672
Attorney General of California
2 SARAH E. MORRISON, State Bar No. 143459
Supervising Deputy Attorney General
3 LAURA ZUCKERMAN (Counsel for service)
State Bar No. 161896
4 DENNIS L. BECK, JR., State Bar No. 179492
Deputy Attorneys General
5 1515 Clay Street, 20th Floor
Oakland, CA 94612
6 Telephone: (510) 622-2174
Fax: (510) 622-2270
7 E-mail: Laura.Zuckerman@doj.ca.gov
Attorneys for Plaintiffs California
8 *Department of Toxic Substances Control and Toxic*
Substances Control Account

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION

14 **CALIFORNIA DEPARTMENT OF TOXIC**
15 **SUBSTANCES CONTROL and the TOXIC**
16 **SUBSTANCES CONTROL ACCOUNT,**

17 Plaintiffs,

18 v.

19 **JIM DOBBAS, INC., a California**
20 **corporation; CONTINENTAL RAIL, INC.,**
21 **a Delaware corporation; DAVID VAN**
22 **OVER, individually; PACIFIC WOOD**
23 **PRESERVING, a dissolved California**
24 **corporation; WEST COAST WOOD**
25 **PRESERVING, LLC., a Nevada limited**
26 **liability company; and COLLINS &**
27 **AIKMAN PRODUCTS, LLC, a Delaware**
28 **limited liability company,**

Defendants.

25 **AND RELATED COUNTERCLAIMS AND**
26 **CROSS-CLAIMS**

2:14-cv-00595-WBS-EFB

STIPULATION BY PLAINTIFFS AND
DEFENDANT JIM DOBBAS, INC.,
REGARDING SETTLEMENT IN
PRINCIPLE AND CONTINUATION OF
HEARING ON JIM DOBBAS, INC.'S
MOTION FOR SUMMARY JUDGMENT;
[PROPOSED] ORDER

Judge: William B. Shubb

Trial: January 4, 2017

Action Filed: March 3, 2014

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STIPULATION

WHEREAS Plaintiffs California Department of Toxic Substances Control and the Toxic Substances Control Account (collectively “Plaintiffs”) filed a Complaint in the above-captioned action on March 3, 2014 (ECF No. 1), and filed a First Amended Complaint (“FAC”) on December 11, 2014 (ECF No. 77).

WHEREAS Defendant Jim Dobbas, Inc. (“Dobbas”) filed an Answer to the Complaint on June 10, 2014 (ECF No. 23), and an Answer to the FAC on December 24, 2014 (ECF No. 85).

WHEREAS Dobbas filed a Motion for Summary Judgment (“Motion”) on March 2, 2015 (ECF No. 116) and a hearing on that Motion is set for April 6, 2015.

WHEREAS Plaintiffs and Dobbas (collectively, “the Parties”) have engaged in settlement negotiations and reached a settlement in principle. The Parties believe that a continuance of the hearing on Dobbas’ Motion is appropriate and necessary in order to allow the Parties time to further negotiate and finalize the terms of a settlement. Such continuance will conserve both the Parties’ and the Court’s resources in this matter.

IT IS HEREBY STIPULATED by and between the Parties that the hearing on Dobbas’ Motion be continued for four (4) weeks, to May 4, 2015, to allow the Parties time to further negotiate and finalize a settlement in this matter.

1 Dated: March 18, 2015

Respectfully submitted,

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KAMALA D. HARRIS
Attorney General of California
SARAH E. MORRISON
Supervising Deputy Attorney General

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/s/ Dennis L. Beck, Jr.

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DENNIS L. BECK, JR.
Deputy Attorney General
*Attorneys for Plaintiffs California
Department of Toxic Substances Control and
Toxic Substances Control Account*

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11 Dated: March 18, 2015

Respectfully submitted,

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KING WILLIAMS & GLEASON, LLP

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/s/ Nicole R. Gleason (as authorized on
March 18, 2015)

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NICOLE R. GLEASON
Attorneys for Defendant Jim Dobbas, Inc.

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ATTESTATION

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I, Dennis L. Beck, Jr., do hereby declare pursuant to Rule 131(e) of the Local Rules of the
20 United States District Court for the Eastern District of California that I obtained concurrence in
21 the filing of the foregoing document from Nicole R. Gleason, counsel for defendant Jim Dobbas
22 Inc., on this 18th day of March, 2015.

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/s/ Dennis L. Beck, Jr.

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ORDER

The court cannot continue the hearing on this motion for the length of time requested. The motion remains scheduled for hearing at 2:00 p.m. on April 6, 2015. If the parties do not wish to submit the motion for decision at that time, they may alternatively agree that the motion be withdrawn, without prejudice to being refiled at a later date consistent with the court's Pretrial Scheduling Order.

Dated: March 19, 2015



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE