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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION

13
14 **CALIFORNIA DEPARTMENT OF TOXIC**
SUBSTANCES CONTROL and the TOXIC
15 **SUBSTANCES CONTROL ACCOUNT,**

16 Plaintiffs,

17 v.

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

24 Defendants.

25
26 **AND RELATED COUNTERCLAIMS AND**
27 **CROSS CLAIMS**
28

2:14-cv-00595-WBS-EFB

STIPULATION REQUESTING
EXTENSION OF CUT-OFF DATES AND
TRIAL; DECLARATION OF LAURA J.
ZUCKERMAN IN SUPPORT THEREOF;
[PROPOSED] ORDER

Trial Date: May 10, 2017

Action Filed: March 3, 2014

1 Plaintiffs the State of California Department of Toxic Substances Control and the Toxic
2 Substances Control Account (collectively, “DTSC”), through their attorneys, and individual
3 defendant David Van Over, acting *in pro per* (“Van Over”), hereby submit this stipulation
4 requesting that the Court issue an order extending all court-ordered deadlines for four (4) months
5 to permit the parties to undertake actions necessary to settle this litigation.

6 The foregoing Stipulation is based on the following facts:

7 1. In this action under the Comprehensive Environmental Response, Compensation, and
8 Liability Act, 42 U.S.C. § 9601 (“CERCLA”), DTSC seeks to recover response costs it incurred
9 or expects to incur in response to the release and/or threatened release of hazardous substances at,
10 around, and/or beneath the property located at 147 A Street, Elmira, Solano County, CA,
11 identified by Solano County Assessor’s Parcel Numbers 142-010-130, 142-010-140 and 142-042-
12 010 (“the Site”) from six (6) defendants. The Court has entered and approved consent decrees
13 resolving the liability of two defendants in this action and has entered default judgments against
14 three (3) others. Van Over is the current owner and operator of the Site, and he is the last
15 remaining defendant in the case.

16 2. The parties have been engaged in settlement discussions for many months, and have
17 just reached a tentative settlement. Zuckerman Declaration, ¶ 2. DTSC anticipates the parties
18 will enter into a proposed consent decree to memorialize their settlement. *Id.*

19 3. For its CERCLA settlements, DTSC follows section 122(h) of CERCLA, and
20 conducts a thirty (30) day public review and comment period on the proposed consent decree
21 before moving for its approval by the Court. 42 U.S.C § 9622(h). Zuckerman Declaration, ¶ 4.
22 A continuance of approximately four (4) months will allow sufficient time for the parties to draft
23 and execute, publish, and notice any proposed consent decree entered into with Van Over for
24 public comment, comply with the statutorily required public comment period for the proposed
25 consent decree, address public comments, and file a noticed motion for judicial approval of a
26 settlement with Van Over. *Id.*

1 Dated: __12-15-16__

DAVID VAN OVER
Defendant

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3
4 /s/
DAVID VAN OVER

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6 ORDER

7 **IT IS ORDERED** that the deadlines for the above-captioned case are extended as follows:

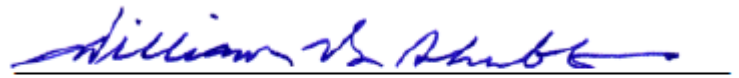
8 A. **Motion Filing Deadline** – from January 6, 2017, to May 5, 2017.

9 B. **Final Pretrial Conference** – from March 13, 2017, to **July 17, 2017 at**
10 **1:30 p.m.**

11 C. **Trial** – from May 9 2017, to **September 12, 2017 at 9:00 a.m.**

12 IT IS SO ORDERED.

13
14 Dated: December 16, 2016


15 WILLIAM B. SHUBB
16 UNITED STATES DISTRICT JUDGE

1 which was granted.

2 I declare under penalty of perjury that the foregoing is true and correct. Executed on
3 12/15/16, at Oakland, California.

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_____/s/_____
Laura J. Zuckerman

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