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8	Attorneys for Plaintiffs California Department of Toxic Substances Control and Toxic Substances Control Account					
9		TES DISTRICT COURT				
10		STRICT OF CALIFORNIA				
11		TO DIVISION				
12						
13		]				
14	CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL and the TOXIC	2:14-cv-00595-WBS-EFB				
15	SUBSTANCES CONTROL ACCOUNT,	STIPULATION REQUESTING EXTENSION OF CUT-OFF DATES AND				
16	Plaintiffs,	TRIAL; DECLARATION OF LAURA J. ZUCKERMAN IN SUPPORT THEREOF;				
17	V.	[ <del>PROPOSED</del> ] ORDER				
18	JIM DOBBAS, INC., a California					
19	corporation; CONTINENTAL RAIL, INC., a Delaware corporation; DAVID VAN	Trial Date: May 10, 2017				
20	OVER, individually; PACIFIC WOOD PRESERVING, a dissolved California	Action Filed: March 3, 2014				
21	corporation; WEST COAST WOOD PRESERVING, LLC., a Nevada limited					
22	liability company; and COLLINS & AIKMAN PRODUCTS, LLC, a Delaware					
23	limited liability company,					
24	Defendants.					
25						
26	AND RELATED COUNTERCLAIMS AND					
27	CROSS CLAIMS					
28						
	STIPULATION REQUESTING EXTENSION OF CUT- J. ZUCKERMAN IN SUPPORT THE	OFF DATES AND TRIAL; DECLARATION OF LAURA REOF; [PROPOSED] ORDER (2:14-cv-00595-WBS-EFB)				

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

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The foregoing Stipulation is based on the following facts:

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

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*.

3. For its CERCLA settlements, DTSC follows section 122(h) of CERCLA, and 19 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,  $\P 4$ . 22 A continuance of approximately four (4) months will allow sufficient time for the parties to draft and execute, publish, and notice any proposed consent decree entered into with Van Over for 23 public comment, comply with the statutorily required public comment period for the proposed 24 consent decree, address public comments, and file a noticed motion for judicial approval of a 25 26 settlement with Van Over. Id.

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1	3. The parties prefer to expend	their available resources focusing on settlement rather	
2	than conducting discovery and litigating	the matter. Zuckerman Declaration, $\P$ 3. The parties	
3	further agree that it would be mutually b	peneficial, and that it would conserve the judicial	
4	resources of this Court, to continue the motion filing deadline, pretrial, and trial dates by		
5	approximately four (4) months in order that the parties may prepare the necessary documentation		
6	Id.		
7	4. These parties have made on	e prior request to extend the discovery and trial deadlines,	
8	which was granted. Zuckerman Declaration, ¶ 5.		
9	5. Based on the foregoing, DT	SC and Van Over hereby jointly request that the Court	
10	enter an order continuing the remaining court deadlines for approximately four (4) months as		
11	follows:		
12	A. Motion Filing Deadli	<b>ne</b> – from January 6, 2017, to May 5, 2017.	
13	<b>B.</b> Final Pretrial Conference – from March 13, 2017, to July 17, 2017.		
14	<b>C. Trial</b> – from May 10, 2017, to September 13, 2017.		
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16	IT IS SO STIPULATED.		
17	Dated:12/15/16	KAMALA D. HARRIS	
17 18	Dated:12/15/16	KAMALA D. HARRIS Attorney General of California	
18	Dated:12/15/16		
18	Dated:12/15/16	Attorney General of California /s/ LAURA J. ZUCKERMAN	
18 19	Dated:12/15/16	Attorney General of California /s/ LAURA J. ZUCKERMAN Deputy Attorney General Attorneys for Plaintiffs State of California	
18 19 20	Dated:12/15/16	Attorney General of California /s/ LAURA J. ZUCKERMAN Deputy Attorney General	
18 19 20 21	Dated:12/15/16	Attorney General of California /s/ LAURA J. ZUCKERMAN Deputy Attorney General Attorneys for Plaintiffs State of California Department of Toxic Substances Control and	
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	Dated:12/15/16	Attorney General of California /s/ LAURA J. ZUCKERMAN Deputy Attorney General Attorneys for Plaintiffs State of California Department of Toxic Substances Control and	
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	Dated:12/15/16	Attorney General of California /s/ LAURA J. ZUCKERMAN Deputy Attorney General Attorneys for Plaintiffs State of California Department of Toxic Substances Control and	
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	Dated:12/15/16	Attorney General of California /s/ LAURA J. ZUCKERMAN Deputy Attorney General Attorneys for Plaintiffs State of California Department of Toxic Substances Control and	
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	Dated:12/15/16	Attorney General of California /s/ LAURA J. ZUCKERMAN Deputy Attorney General Attorneys for Plaintiffs State of California Department of Toxic Substances Control and	

1	Dated:12-15-	-16 DAVID VAN OVER
2		Defendant
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	А.	Motion Filing Deadline – from January 6, 2017, to May 5, 2017.
9	В.	Final Pretrial Conference – from March 13, 2017, to July 17, 2017 at
10		<u>1:30 p.m.</u>
11	C.	Trial – from May 9 2017, to September 12, 2017 at 9:00 a.m.
12	IT IS SO ORDERED.	
13	Dated: December 16, 2016 WILLIAM B. SHUBB	
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15		UNITED STATES DISTRICT JUDGE
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28	STIPULATION RI	3 EQUESTING EXTENSION OF CUT-OFF DATES AND TRIAL; DECLARATION OF LAURA I. ZUCKERMAN IN SUPPORT THEREOF; [PROPOSED] ORDER (2:14-cv-00595-WBS-EFB)

1	DECLARATION OF LAURA J. ZUCKERMAN		
2	I, Laura J. Zuckerman, declare as follows:		
3	1. I am a Deputy Attorney General with the California Department of Justice, Office of		
4	the Attorney General. In that capacity, I am one of the attorneys for plaintiffs California		
5	Department of Toxic Substances Control and the Toxic Substances Control Account (collectively,		
6	"DTSC") in this action. I have personal knowledge of the facts stated herein, and, if called to do		
7	so, could and would testify competently thereto.		
8	2. DTSC and defendant David Van Over ("Van Over"), the last remaining defendant in		
9	this action, have been engaged in settlement discussions for many months, and have just reached		
10	a tentative settlement. DTSC anticipates the parties will enter into a proposed consent decree to		
11	memorialize their settlement.		
12	3. The parties would prefer to expend their available resources focusing on settlement		
13	rather than conducting discovery and litigating the matter. The parties have discussed and agreed		
14	that it would be mutually beneficial, and would conserve the judicial resources of this Court, to		
15	continue the discovery, pretrial, and trial dates by approximately four (4) months in order that the		
16	parties may prepare the necessary documentation.		
17	4. For its CERCLA settlements, Plaintiffs follow section 122(h) of CERCLA, and		
18	conduct a thirty (30) day public review and comment period on the proposed consent decree		
19	before moving for its approval by the Court. 42 U.S.C. § 9622(h). A continuance of		
20	approximately four (4) months will allow sufficient time for the parties to draft and execute,		
21	publish, and notice any proposed consent decree entered into for public comment, comply with		
22	the statutorily required public comment period for the proposed consent decree, address public		
23	comments, and file a noticed motion for judicial approval of any settlement with Van Over.		
24	5. These parties have made one prior request to extend the discovery and trial deadlines,		
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	STIPULATION REQUESTING EXTENSION OF CUT-OFF DATES AND TRIAL; DECLARATION OF LAURA J. ZUCKERMAN IN SUPPORT THEREOF; [PROPOSED] ORDER (2:14-cv-00595-WBS-EFB)		

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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5	/s/ Laura J. Zuckerman
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28	5 STIPULATION REQUESTING EXTENSION OF CUT-OFF DATES AND TRIAL; DECLARATION OF LAURA
	J. ZUCKERMAN IN SUPPORT THEREOF; [PROPOSED] ORDER (2:14-cv-00595-WBS-EFB)