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9 Control and the Toxic Substances  
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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  
16 TOXIC SUBSTANCES CONTROL  
ACCOUNT,

17 Plaintiffs,

18 v.

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

25 Defendants.

27 AND RELATED COUNTERCLAIMS AND  
28 CROSS CLAIMS

2:14-cv-00595-WBS-EFB

**JOINT STIPULATION AND [PROPOSED]  
ORDER EXTENDING THE DATE FOR  
HEARING ON CONTINENTAL'S MOTION  
TO INTERVENE AND SET ASIDE  
DEFAULT (L.R. 144)**

Date: October 21, 2019

Time: 1:30 p.m.

Place: Courtroom 5, 14th Floor

501 I Street

Sacramento, CA 95814

Judge: Hon. William B. Shubb

Action Filed: March 3, 2014

1 Plaintiffs the Department of Toxic Substances Control and the  
2 Toxic Substances Control Account (collectively, DTSC) and The  
3 Continental Insurance Company (Continental) have conferred and  
4 jointly stipulate and request, pursuant to Local Rule 144(a),  
5 that the Court extend the time for hearing Continental's motion  
6 to intervene and to set aside default against Collins & Aikman  
7 Products, LLC (Collins & Aikman), ECF No. 205, by 42 days, to  
8 December 2, 2019.

9 The parties believe that the extension of time and the  
10 continuance of the hearing date will allow the eleven (11)  
11 tendered insurers time to complete their investigations, make  
12 coverage determinations, and decide whether or not to seek to  
13 intervene. The delay would promote efficiency if additional  
14 insurers file motions to intervene and to set aside Collins &  
15 Aikman's default, as it may permit intervention and default  
16 issues to be resolved at a single hearing rather than through  
17 multiple hearings.<sup>1</sup>

18 The receiver for Collins & Aikman has indicated that, even if  
19 the hearing is continued to December 2, 2019, he will not seek to  
20 terminate the receivership provided there is sufficient activity  
21 in the case. There have been no extensions already obtained by  
22 these parties for this particular matter.

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23 <sup>1</sup> The Travelers Indemnity Company (Travelers) previously filed a motion  
24 to intervene and to vacate default, ECF No. 196, which is also set for hearing  
25 on October 21, 2019. Continental joined in Travelers' motion, ECF No. 202,  
26 and subsequently filed its own motion to intervene and to set aside default,  
27 ECF No. 205. Other insurers may file similar motions. Because Travelers will  
28 not agree to continue the hearing on its motion unless DTSC stipulates to  
Travelers' intervention, DTSC is filing herewith, pursuant to L.R. 144(c), an  
initial request for an ex parte continuance of the hearing on Travelers'  
motion, so that Travelers' motion, Continental's motion, and any similar  
motions may be heard on the same day.

1 The proposed briefing and hearing schedule is as follows:

2 1. November 18, 2019 - by this date, Plaintiffs shall file  
3 their opposition to Continental's motion to intervene and to set  
4 aside default.

5 2. November 25, 2019 - by this date, Continental shall  
6 file its reply in support of its motion to intervene and to set  
7 aside default.

8 3. December 2, 2019 - A hearing on Continental's motion to  
9 intervene and to set aside default shall be heard on this date,

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1 or on such date thereafter as the Court may order.

2 IT IS SO STIPULATED.

3 Dated: October 3, 2019

Respectfully Submitted,

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General  
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/S/ Laura J. Zuckerman

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/S/ Sara M. Thorpe  
(as authorized on October 2,  
2019)

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MICHAELIDES SULLIVAN LLP

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*Attorneys for Proposed  
Intervenor THE CONTINENTAL  
INSURANCE COMPANY*

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