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8 (Additional counsel on next page.)

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 CALIFORNIA DEPARTMENT OF TOXIC  
12 SUBSTANCES CONTROL AND THE  
13 TOXIC SUBSTANCES CONTROL  
ACCOUNT,  
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Plaintiffs,  
15  
v.  
16  
17 JIM DOBBAS, INC., a California corporation,  
et al.  
18  
Defendants.  
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Case No. 2:14-CV-00595-WBS-JDP

**JOINT STIPULATION ALLOWING  
PLAINTIFFS ADDITIONAL TIME TO  
FILE RESPONSIVE PLEADINGS  
AND/OR MOTIONS IN RESPONSE TO  
INTERVENORS' ANSWER AND  
COUNTERCLAIMS**

[Pursuant to Fed. R. Civ. P. 12]

Judge: William B. Shubb  
Action Filed: March 3, 2014  
Trial Date: Not set.

20  
21 And Related Crossclaims  
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25 *Attorneys for Intervenors CENTURY INDEMNITY COMPANY as successor to CCI INSURANCE*  
26 *COMPANY as successor to INSURANCE COMPANY OF NORTH AMERICA; THE*  
27 *CONTINENTAL INSURANCE COMPANY; ALLIANZ UNDERWRITERS INSURANCE*  
28 *COMPANY; CHICAGO INSURANCE COMPANY, FIREMAN'S FUND INSURANCE*  
*COMPANY and THE TRAVELERS INDEMNITY COMPANY*

1 Plaintiffs California Department of Toxic Substances Control and the Toxic Substances  
2 Control Account (collectively, “DTSC”) and The Continental Insurance Company; Century  
3 Indemnity Company; Allianz Underwriters Insurance Company; Chicago Insurance Company;  
4 Fireman's Fund Insurance Company; and The Travelers Indemnity Company (collectively, the  
5 “Intervenors,” and with DTSC, the “Parties”) enter into this stipulation (“Stipulation”):

### 6 **BACKGROUND**

7 1. On March 3, 2014, DTSC filed this action seeking to recover costs it has incurred  
8 responding to releases of hazardous substances at a privately-owned, former wood treatment and  
9 preserving facility in Elmira, California, and related relief. On December 11, 2014, DTSC filed a  
10 First Amended Complaint naming Collins & Aikman Products, LLC (“C&A Products, LLC”), a  
11 cancelled Delaware limited liability company, as an additional defendant. (ECF No 77.)

12 2. On August 12, 2019, DTSC filed an Application for Default Judgment by Court  
13 against C&A Products, still in receivership. (ECF No. 184.) Subsequently, Intervenors moved to  
14 intervene in the action and vacate C&A Products’ default. The Court denied these motions. (ECF  
15 Nos. 221, 237.)

16 3. On December 1, 2022, the Ninth Circuit issued an opinion reversing this Court’s  
17 denial of Continental, Century, and Allianz’s motions to intervene as of right, and dismissing the  
18 appeal of their motions to set aside the clerk’s entry of default. Mandate issued on December 23,  
19 2022. (ECF No. 261.)

20 4. On February 16, 2023, the Court entered orders pursuant to stipulation allowing  
21 each of the Intervenors to intervene and directing them to file their joint response to DTSC's First  
22 Amended Complaint by March 15, 2023. (ECF Nos. 269, 270.)

23 5. On March 15, 2023, Intervenors filed their Answer-in-Intervention and  
24 Counterclaims. DTSC’s answer to the Answer-in-Intervention and Counterclaim is currently due  
25 April 5, 2023. (ECF No. 271.)

26 6. DTSC has notified Intervenors that it believes it can file motions to dismiss and  
27 strike that will narrow the scope of the pleadings and that it requests an extension of time to file  
28 any such motions or otherwise respond to Intervenors’ pleadings.

1 **STIPULATION**

2 Based on the above, the Parties agree and stipulate as follows:

3 1. In accordance with Local Rule 144, DTSC’s time to respond to Intervenors’  
4 Counterclaim is extended by 28 days to May 3, 2023.

5 2. The Parties ask the Court to enter the attached Proposed Order, extending to May 3,  
6 2023, DTSC’s time to file any motion to strike regarding Intervenors’ Answer-in-Intervention.

7  
8 DATED: April 3, 2023

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14 *Attorneys for Plaintiffs California Department of  
15 Toxic Substances Control and the Toxic  
16 Substances Control Account*

17 DATED: April 3, 2023

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25 *ALLIANZ UNDERWRITERS INSURANCE*  
26 *COMPANY; CHICAGO INSURANCE*  
27 *COMPANY, FIREMAN’S FUND*  
28 *INSURANCE COMPANY and THE*  
*TRAVELERS INDEMNITY COMPANY*



1 Parties' request that DTSC's time to file any motion to strike regarding Intervenors' Answer-in-  
2 Intervention likewise be extended to May 3, 2023. Having considered that request, and good  
3 cause appearing, the Court extends to May 3, 2023 DTSC's time to file any motion to strike  
4 regarding Intervenors' Answer-in-Intervention.

5 **IT IS SO ORDERED.**

6 Dated: April 6, 2023



7 WILLIAM B. SHUBB  
8 UNITED STATES DISTRICT JUDGE  
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