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 PNEUMO ABEX CORPORATION and  
 WHITMAN CORPORATION

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

DONNA M. AVILA, et al.,  
  
 Plaintiffs,  
  
 v.  
  
 WILLITS ENVIRONMENTAL  
 REMEDIATION TRUST, et al.,  
  
 Defendants.

CASE NO. C-99-3941 SI  
  
 (Consolidated with Case No. C-01-0266 SI)  
  
**STIPULATION REGARDING REPLY ON  
 MOTION TO STRIKE MAY 22, 2008  
 AFFIDAVIT OF WILLIAM R. SAWYER  
 AND [PROPOSED] ORDER**  
  
 (Honorable Susan Illston)  
  
**Date: September 22, 2008  
 Time: 9:00 a.m.  
 Place: Courtroom 10, 19th Floor  
 Trial Date: June 29, 2009**

**STIPULATION**

The parties in this action, by and through their attorneys of record, hereby STIPULATE as follows:

**WHEREAS**, on August 18, 2008 Defendants Pneumo Abex LLC and Whitman Corporation (“Defendants”) filed a Notice of Motion and Motion to Strike the May 22, 2008 Affidavit of William R. Sawyer (the “Motion”), which set the hearing for the Motion on September 22, 2008 at 9:00 a.m.;

**WHEREAS**, Local Rule 7-3(a) indicates that “Any opposition to a motion must be served and filed not less than 21 days before the hearing date.”

**WHEREAS**, Monday, September 1, 2008 was the court observed Labor Day holiday.

**WHEREAS**, Plaintiffs filed their Opposition to the Motion on September 2, 2008.

**WHEREAS**, pursuant to Local Rule 7-3(c), Defendants’ Reply is otherwise due on Monday, September 8, 2008, leaving them only six calendar days to prepare their Reply.

**THEREFORE**, subject to the approval of this Court, the parties agree to an extension of two additional days for Defendants to file a Reply to Plaintiffs’ Opposition, such that the Reply will be due on Wednesday, September 10, 2008.

Dated: September 3, 2008

LATHAM & WATKINS LLP

By \_\_\_\_\_ /s/  
Collie F. James  
Attorneys for Defendant

Dated: September 3, 2008

TESFAYE W. TSADIK, ESQ.

By \_\_\_\_\_ /s/  
Tefsaye W. Tsadik  
Attorneys for Plaintiffs

**IT IS SO ORDERED**

Dated: \_\_\_\_\_



\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge