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5 Attorneys for Defendants and Cross-Defendants

6 BAY ENVIRONMENTAL MANAGEMENT INC.,
7 CAESAR NUTI, DENNIS VARNI, MARIO AQUILINO,
LOYD BONFANTE SR., JOSEPH DELLA ZOPPA,
8 ESTATE OF RICHARD GRANZELLA SR., EDWARD
MENOSSE, PASQUALE PARENTI, AND ESTATE OF
9 PINA J. BARBIERI

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 JERRY VAUGHN and THERESA
15 TRAVERS,

16 Plaintiffs,

17 v.

18 BAY ENVIRONMENTAL
MANAGEMENT INC., CAESAR NUTI,
19 DENNIS VARNI, MARIO AQUILINO,
LOYD BONFANTE SR., JOSEPH
20 DELLA ZOPPA, ESTATE OF RICHARD
GRANZELLA SR., EDWARD
21 MENOSSE, PASQUALE PARENTI, FSC
SECURITIES CORPORATION, AND
22 JERROLD N. WEINBERG

23 Defendants.

Case No. C03-5725 SC

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND MEDIATION
DEADLINE**

1 FSC SECURITIES CORPORATION and
2 JERROLD N. WEINBERG,

3 Cross-Claimants,

4 v.

5 BAY ENVIRONMENTAL MANAGEMENT
6 INC., ESTATE OF PINA J. BARBIERI,
7 CAESAR NUTI, DENNIS VARNI,

8 Cross-Defendants.

9 Pursuant to ADR Local Rule 6-5 and Civil Local Rule 7-11, Plaintiffs Jerry Vaughn and
10 Theresa Travers (“Plaintiffs”) and Defendants Bay Environmental Management Inc., Caesar Nuti,
11 Dennis Varni, Mario Aquilino, Joseph Della Zoppa, Pasquale Parenti, Loyd Bonfante, Sr.,
12 Edward Menosse, Estate of Richard Granzella, Sr., and Cross- Defendant Estate of Pina J.
13 Barbieri¹ (collectively, the “Bay Environmental Defendants”), and FSC Securities Corporation
14 and Jerrold N. Weinberg (“FSC Defendants) (collectively, the “Parties”), recite and stipulate, and
15 respectfully request the Court to order, as follows:

16 WHEREAS, on July 29, 2009, the Court appointed Katherine S. Richey to serve as
17 mediator;

18 WHEREAS, on August 11, 2009, the Parties and Ms. Richey held a pre-mediation
19 conference via telephone;

20 WHEREAS, during the August 11, 2009, pre-mediation conference, the Parties and Ms.
21 Richey agreed that mediation would take place in November;

22 WHEREAS, on September 2, 2009, the Plaintiffs filed a Second Amended Complaint
23 (“SAC”) which added Mario Aquilino, Joseph Della Zoppa, Pasquale Parenti, Loyd Bonfante,
24 Sr., Edward Menosse and Estate of Richard Granzella, Sr. as defendants;

25 WHEREAS, at the status conference held on September 25, 2009, the Court ordered that
26 the class be certified and that the status conference be continued to November 20, 2009;

27 _____
28 ¹ Pina Barbieri, named initially as a Defendant herein, passed away several years ago. See Docket No. 36. Her estate is not a defendant in the Second Amended Complaint.

1 WHEREAS, the pre-September 2, 2009 Bay Environmental Defendants answered the
2 SAC on September 23, 2009, and the newly added defendants answered the SAC on October 16,
3 2009. FSC Defendants answered the SAC on September 21, 2009;

4 WHEREAS, the newly added defendants served their Rule 26(a) disclosures on
5 November 9, 2009;

6 WHEREAS, Plaintiffs have concluded the following depositions: Jerrold N. Weinberg on
7 October 20, 2009; Caesar Nuti on October 21, 2009; Dennis Varni on November 3, 2009; Eddie
8 Menosse on November 10, 2009; Pasquale Parenti on November 12, 2009; and Joe Della Zoppa
9 on November 12, 2009;

10 WHEREAS, Plaintiffs have subpoenaed Alan Klein, former employee of Richmond
11 Sanitary Services and administrator of the Estates of Richard Granzella, Sr., and Pina J. Barbieri,
12 for deposition on November 19, 2009;

13 WHEREAS, Plaintiffs have noticed the depositions of Loyd Bonfante, Sr., and Mario
14 Aquilino, but they have been continued for personal reasons;

15 WHEREAS, during the course of the depositions, the attorneys for the Parties have
16 discussed a number of potential private mediators;

17 WHEREAS, on October 28, 2009, counsel for all Parties advised Ms. Richey that all
18 Parties have elected to pursue private mediation, and that they believe mediation in November
19 2009, prior to the end of fact discovery, would be premature; and

20 WHEREAS, the Parties have agreed to private mediation with Michael Dickstein, Esq.
21 on January 29, 2010.

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1 NOW, THEREFORE, the parties to this action, by and through their undersigned attorneys,
2 hereby stipulate and respectfully request the Court to order as follows:

3 1. The mediation date will be continued until January 29, 2010 for private mediation
4 with Michael Dickstein, Esq.

5 **IT IS SO STIPULATED.**

6
7 DATED: November 18, 2009

MORGAN, LEWIS & BOCKIUS LLP

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By: /s/ D. Ward Kallstrom

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D. Ward Kallstrom

Nicole A. Diller

Angel T. Lin

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Attorneys for Defendants

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BAY ENVIRONMENTAL

MANAGEMENT INC., CAESAR NUTI,

DENNIS VARNI, MARIO AQUILINO,

LOYD BONFANTE SR., JOSEPH DELLA

ZOPPA, ESTATE OF RICHARD

GRANZELLA SR., EDWARD

MENOSSE, PASQUALE PARENTI, AND

ESTATE OF PINA J. BARBIERI

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I, D. Ward Kallstrom, am the ECF User whose ID and password are being used to file this
21 STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I
22 hereby attest that each of the signatories identified below has concurred in this filing.

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1 DATED: November 18, 2009

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP

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By: /s/ Bernard Gehlhar

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Attorneys for Co-Defendants
FSC SECURITIES CORPORATION and
JERROLD N. WEINBERG

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DATED: November 18, 2009

LEWIS, FEINBERG, LEE, RENAKER &
JACKSON, P.C.

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By: /s/ Teresa Renaker

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Attorneys for Plaintiffs
JERRY VAUGHN and
THERESA TRAVERS

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[PROPOSED] ORDER

**PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS
HEREBY ORDERED THAT:**

The mediation date will be continued until January 29, 2010 for private mediation with
Michael Dickstein, Esq.

SO ORDERED.

Dated: November 19, 2009

Hon.  Judge

The seal is circular with the text "UNITED STATES DISTRICT COURT" at the top and "NORTHERN DISTRICT OF CALIFORNIA" at the bottom. In the center, there is a rectangular stamp that reads "IT IS SO ORDERED" and "Judge Samuel Conti". A blue ink signature is written over the stamp.