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

		No. C 04-2225-SI
WEST COAST HOME BUILDERS, INC.,)	STIPULATION REGARDING FILING
Plaintiff,)	OF UNITED STATES' AMENDED
v.)	ANSWER TO PLAINTIFFS' FIRST
AVENTIS CROPSCIENCE USA, INC., et al.,)	AMENDED COMPLAINT AND
Defendants.)	COUNTERCLAIM
)	

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 20 WHEREAS, Plaintiff West Coast Home Builders, Inc. filed this action the United States
 21 Department of the Army, United States Defense Logistics Agency, and United States Department
 22 of the Navy (collectively "Federal Defendants") on June 7, 2004, pursuant to sections 107 and
 23 113 of the Comprehensive Environmental Response, Compensation, and Liability Act
 24 ("CERCLA"), 42 U.S.C. §§ 9607 and 9613.

25 WHEREAS, Plaintiffs filed a first amended complaint in this action on December 14,
 26 2004 (docket no. 10).

27 WHEREAS, the Federal Defendants, filed an answer to the amended complaint on
 28 August 15, 2005 (docket no. 31).

1 WHEREAS, pursuant to this Court's directive issued at the status conference in this
2 action on October 19, 2007, all motions or stipulations to the amendment of pleadings must be
3 filed no later than February 1, 2008.

4 NOW THEREFORE, the parties hereto agree to the filing of an amended answer by the
5 Federal Defendants that asserts a counterclaim for contribution under CERCLA. Such
6 counterclaim would permit the Court to allocate response costs in the Plaintiffs' second amended
7 complaint among liable parties using such equitable factors as the Court determines are
8 appropriate, under 42 U.S.C. § 9613(f)(1), and grant appropriate declaratory relief under 42
9 U.S.C. § 9613(g)(2) and 28 U.S.C. § 2201.

10 **For the Plaintiffs**

11 Dated: February 1, 2008

Lee A. Archer
Peter W. McGaw

s/ John L. Kortum
John L. Kortum
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17 **For the Federal Defendants**

18 Dated: February 1, 2008

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For Defendants Aventis Cropscience USA et al.

Dated: February 1, 2008

s/ Clifton J. McFarland
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PURSUANT TO STIPULATION, IT IS SO ORDERED.



DATED: _____

HON. SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2008, I filed the foregoing document using the ECF System, which will send notice of the filing to the following:

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