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12 Attorneys for Plaintiff
 WEST COAST HOME BUILDERS, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

18 WEST COAST HOME BUILDERS, INC.,
 19 Plaintiff,
 20 vs.
 21 AVENTIS CROPSCIENCE USA INC.,
et al.,
 22 Defendants.
 23

Case No. C 04-2225 SI
 (Related to Case No. C 04-02648-SI)

**STIPULATION AND [PROPOSED] ORDER
 REGARDING AUTHENTICITY
 DISCOVERY**

1 WHEREAS, the last day to conduct fact discovery in these consolidated lawsuits is May
2 29, 2009, the last day to serve expert reports is June 12, 2009, the last day to file summary
3 judgment motions is July 17, 2009, and the trial date is October 5, 2009;

4 WHEREAS, the parties believe it is appropriate to set a separate deferred process and
5 schedule for the parties to meet and confer and conduct discovery if necessary concerning
6 questions of authenticity, for the following reasons:

- 7 1. the significant amount of deposition discovery and other discovery to be completed by
8 the May 29, 2009 deadline for fact discovery;
- 9 2. the large volume of documents produced during discovery in this lawsuit, and the
10 large volume of documents still being produced during discovery;
- 11 3. the nature of this lawsuit whereby some documents were created many years ago,
12 and/or were created by persons or entities who are not parties to the litigation; and
- 13 4. the good faith representations of counsel that the authenticity of most documents will
14 not be disputed.

15 WHEREAS, the current pretrial and trial schedule would otherwise remain unchanged;

16 NOW, THEREFORE, all parties below, by and through their respective counsel, stipulate
17 and request pursuant to Civil Local Rule 6-2 that this Court enter the following Order:

18 **STIPULATION AND REQUESTED ORDER**

19 1. Discovery by any party regarding the authenticity of documents, materials or other
20 information need not be conducted or completed before the May 29, 2009 deadline to conduct
21 fact discovery;


22 2. There shall be a rebuttable presumption of authenticity for documents, materials or
23 other information for purposes of Rules 901-903 of the Federal Rules of Evidence if timely
24 produced by a party or subpoenaed third-party during discovery to this litigation in response to a
25 discovery request in this litigation or as part of a disclosure in this litigation pursuant to Rule
26 26(a) of the Federal Rules of Civil Procedure;

27 3. Other parties reserve the right to seek to rebut the presumption of authenticity, and
28 between May 29, 2009 and June 26, 2009, the parties shall meet and confer concerning any

1 objections that may be raised to the authenticity of specific individual or categories of documents,
2 materials or other information;

3 3. To the extent the objections cannot be resolved, and to the extent a party believes
4 it needs to conduct discovery on such issues, such discovery shall occur between June 29, 2009
5 and August 15, 2009. The scope of any such discovery shall be limited to the question of
6 authenticity as defined by Rules 901-903 of the Federal Rules of Evidence.

7
8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9
10 Dated: _____ 
11 Hon. Susan Illston
12 United States District Judge

13 IT IS SO STIPULATED.

14 Concurrence in filing this document was obtained from Leslie M. Hill in compliance with
15 General Order No. 45, Section X.

16 Dated: May 8, 2009 FARELLA BRAUN + MARTEL LLP

17
18 By: /s/ James H. Colopy
19 James H. Colopy
20 Attorneys for Plaintiff WEST COAST HOME BUILDERS, INC.

21 Dated: May 8, 2009 UNITED STATES DEPARTMENT OF JUSTICE,
22 ENVIRONMENTAL DEFENSE SECTION

23
24 By: /s/ Leslie M. Hill
25 Leslie M. Hill, Esq.
26 Attorneys for Defendants
27 UNITED STATES DEPARTMENT OF THE ARMY,
28 UNITED STATES DEPARTMENT OF DEFENSE,
DEFENSE LOGISTICS AGENCY; UNITED STATES DEPARTMENT OF THE NAVY

1 Dated: May 7, 2009

DOWNEY BRAND LLP

2
3 By:


Andrew Collier, Esq.

4 Attorneys for Defendants

5 TRC COMPANIES, INC., GBF HOLDINGS LLC,
6 AVENTIS CROPS SCIENCE USA INC.; ASHLAND, INC.;
7 BEAZER EAST, INC.; BOEING SATELLITE SYSTEMS,
8 INC.; CATERPILLAR, INC.; CHEMICAL & PIGMENT
9 COMPANY; COLGATE-PALMOLIVE COMPANY;
10 COOPER INDUSTRIES, INC.; CROMPTON
11 CORPORATION; CROWN BEVERAGE PACKAGING,
12 INC.; THE DOW CHEMICAL COMPANY; E.I. DU
13 PONT DE NEMOURS AND COMPANY; EXXON
14 MOBIL CORPORATION; GAYLORD CONTAINER
15 CORPORATION; GREAT WESTERN CHEMICAL
16 COMPANY; HEWLETT-PACKARD COMPANY;
17 HEXCEL CORPORATION; J&G DISPOSAL;
18 LOCKHEED MARTIN CORPORATION; NESTLE USA,
19 INC.; OCCIDENTAL CHEMICAL CORPORATION;
20 OCEAN VIEW CAPITAL, INC.; PACCAR INC.;
21 HAROLD WILLIAM PREWETT; MARY GRACE
22 (PREWETT) BERTSCH; PRO TEC CHEMICAL CO.,
23 INC.; QUEBECOR PRINTING SAN JOSE, INC.;
24 RAYCHEM CORPORATION; SHELL OIL COMPANY;
25 SHULLER INTERNATIONAL, INC.; HENRY
26 SIMONSEN; UNION OIL COMPANY OF
27 CALIFORNIA; UNION PACIFIC RAILROAD
28 COMPANY; USX CORPORATION; and WITCO
CORPORATION.