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

SPPI-SOMERSVILLE, INC., et al.)	No. C 04-2648-SI
Plaintiffs,)	STIPULATION REGARDING FILING OF UNITED STATES' AMENDED ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT AND COUNTERCLAIM
v.)	
TRC COMPANIES, INC., et al.,)	
Defendants.)	
CITY OF ANTIOCH,)	
Cross-claimant,)	
v.)	
TRC COMPANIES, INC., et al.,)	
Cross-defendants.)	

25 WHEREAS, Plaintiffs SPPI-Somersville, Inc. and Somersville-Gentry, Inc. filed this
 26 action the United States Department of the Army, United States Defense Logistics Agency, and
 27 United States Department of the Navy (collectively "Federal Defendants") on June 30, 2004,
 28 pursuant to sections 107 and 113 of the Comprehensive Environmental Response, Compensation,

1 and Liability Act ("CERCLA"), 42 U.S.C. §§ 9607 and 9613.

2 WHEREAS, Plaintiffs filed a first amended complaint in this action on December 14,
3 2004 (docket no. 8).

4 WHEREAS, Plaintiffs filed a second amended complaint in this action on October 18,
5 2006 (docket no. 63).

6 WHEREAS, the Federal Defendants, filed an answer to the second amended complaint
7 on December 15, 2006 (docket no. 73).

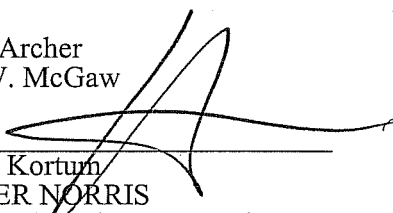
8 WHEREAS, pursuant to this Court's directive issued at the status conference in this
9 action on October 19, 2007, all motions or stipulations to the amendment of pleadings must be
10 filed no later than February 1, 2008.

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

17 **For the Plaintiffs**

18 Dated: 1/31/08

Lee A. Archer
Peter W. McGaw

19 
20 _____
21 John L. Kortum
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25 Tel: (925) 930-6600

24 **For the Federal Defendants**

25 Dated: February 1, 2008

26 RONALD J. TENPAS
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s/Pamela S. Tonglao
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For the TRC Defendants

Dated: February 1, 2008

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For the Garaventa Defendants

Dated: February 1, 2008

s/ Fred Blum
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For Defendant City of Antioch

Dated: February 1, 2008

s/ Earl Hagstrom
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____



HON. SUSAN ILLSTON

1 UNITED STATES DISTRICT JUDGE

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3 CERTIFICATE OF SERVICE

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

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