

1 Paul P. Spaulding III (State Bar No. 083922)
 sspaulding@fbm.com
 2 James H. Colopy (State Bar No. 172806)
 jcolopy@fbm.com
 3 Andrew W. Ingersoll (State Bar No. 221348)
 aingersoll@fbm.com
 4 FARELLA BRAUN + MARTEL LLP
 235 Montgomery Street, 17th Floor
 5 San Francisco, CA 94104
 Telephone: (415) 954-4400
 6 Facsimile: (415) 954-4480

7 Peter W. McGaw (State Bar No. 104691)
 John L. Kortum (State Bar No. 148573)
 8 ARCHER NORRIS
 2033 North Main Street, Suite 800
 9 Walnut Creek, CA 94596-3728
 Telephone: (925) 930-6600
 10 Facsimile: (925) 930-6620

11 Attorneys for Plaintiffs and Counterdefendants
 SPPI-SOMERSVILLE, INC. and
 12 SOMERSVILLE-GENTRY, INC.

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

17 SPPI-SOMERSVILLE, INC. and
 SOMERSVILLE-GENTRY, INC.,
 18
 Plaintiffs,
 19 vs.
 20 TRC COMPANIES, INC.; and
 GBF HOLDINGS LLC, *et al.*,
 21
 Defendants.

Case No. C 04-2648 SI
 (Consolidated with Case No. C 07-05824 SI)

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

23 SPPI-SOMERSVILLE, INC. and
 SOMERSVILLE-GENTRY, INC.,
 24
 Plaintiffs,
 25 vs.
 26 CHEVRON U.S.A., INC., as successor to
 Standard Oil of California, Inc.,
 27
 Defendant.

28 STIPULATION AND [PROPOSED] ORDER RE:
 AUTHENTICITY DISCOVERY - No. C 04-2648 SI

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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
15 Dated: May 8, 2009 FARELLA BRAUN + MARTEL LLP
16
17 By: _____
18 James H. Colopy, Esq.
19 Attorneys for Plaintiffs
20 SPPI-SOMERSVILLE, INC. and SOMERSVILLE-
21 GENTRY, INC.

22
23 Dated: May __, 2009 DOWNEY BRAND LLP
24
25 By: _____
26 Andrew Collier, Esq.
27 Attorneys for Defendants
28 TRC COMPANIES, INC.
GBF HOLDINGS LLC, *et al.*

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Dated: May __, 2009

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: _____
Earl L. Hagström, Esq.

Attorneys for Defendant
CITY OF ANTIOCH

Dated: May __, 2009

BASSI, MARTINI, EDLIN & BLUM LLP

By: _____
Fred M. Blum, Esq.

Attorneys for Defendants
CONTRA COSTA WASTE SERVICE, INC.;
PITTSBURG DISPOSAL & DEBRIS BOX SERVICE,
INC.; ESTATE OF SILVIO GARAVENTA, SR.;
MARY C. GARAVENTA, AS ADMINISTRATRIX
OF THE ESTATE OF SILVIO GARAVENTA, SR.;
MARY C. GARAVENTA; SILVIO GARAVENTA,
JR.; MARY C. GARAVENTA, AS TRUSTEE OF
THE GARAVENTA FAMILY TRUST; AND THE
CITY OF PITTSBURG

Dated: May __, 2009

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: _____
Blaine I. Green, Esq.

Attorneys for Defendant
CHEVRON U.S.A. INC.

Dated: May __, 2009

UNITED STATES DEPARTMENT OF JUSTICE,
ENVIRONMENTAL DEFENSE SECTION

By: _____
Leslie M. Hill, Esq.

Attorneys for Defendants
UNITED STATES DEPARTMENT OF THE ARMY,
UNITED STATES DEPARTMENT OF DEFENSE,
DEFENSE LOGISTICS AGENCY; UNITED STATES
DEPARTMENT OF THE NAVY

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Hon. Susan Illston
United States District Judge

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15 Dated: May __, 2009

FARELLA BRAUN + MARTEL LLP

16
17 By: _____
James H. Colopy, Esq.

18 Attorneys for Plaintiffs
19 SPPI-SOMERSVILLE, INC. and SOMERSVILLE-
GENTRY, INC.

20 Dated: May 7, 2009

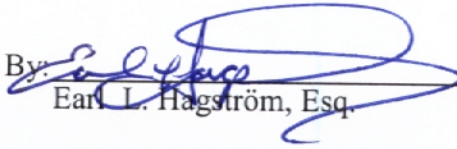
DOWNEY BRAND LLP

21
22 By: 
23 Andrew Collier, Esq.

24 Attorneys for Defendants
25 TRC COMPANIES, INC.
26 GBF HOLDINGS LLC, *et al.*

1 Dated: May 7, 2009

SEDGWICK, DETERT, MORAN & ARNOLD LLP

2
3 By: 
Earl L. Hagström, Esq.

4
5 Attorneys for Defendant
CITY OF ANTIOCH

6 Dated: May __, 2009

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7
8
9 By: _____
Fred M. Blum, Esq.

10 Attorneys for Defendants
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12 PITTSBURG DISPOSAL & DEBRIS BOX SERVICE,
13 INC.; ESTATE OF SILVIO GARAVENTA, SR.;
14 MARY C. GARAVENTA, AS ADMINISTRATRIX
OF THE ESTATE OF SILVIO GARAVENTA, SR.;
15 MARY C. GARAVENTA; SILVIO GARAVENTA,
16 JR.; MARY C. GARAVENTA, AS TRUSTEE OF
17 THE GARAVENTA FAMILY TRUST; AND THE
18 CITY OF PITTSBURG

16 Dated: May __, 2009

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18 By: _____
Blaine I. Green, Esq.

19 Attorneys for Defendant
20 CHEVRON U.S.A. INC.

21 Dated: May __, 2009

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27 UNITED STATES DEPARTMENT OF DEFENSE,
DEFENSE LOGISTICS AGENCY; UNITED STATES
28 DEPARTMENT OF THE NAVY

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Dated: May __, 2009

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: _____
Earl L. Hagström, Esq.

Attorneys for Defendant
CITY OF ANTIOCH

Dated: May 8, 2009

BASSI, MARTINI, EDLIN & BLUM LLP

By: *Fred M. Blum*
Fred M. Blum, Esq.

Attorneys for Defendants
CONTRA COSTA WASTE SERVICE, INC.;
PITTSBURG DISPOSAL & DEBRIS BOX SERVICE,
INC.; ESTATE OF SILVIO GARAVENTA, SR.;
MARY C. GARAVENTA, AS ADMINISTRATRIX
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CITY OF PITTSBURG

Dated: May 8, 2009

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: *Blaine I. Green*
Blaine I. Green, Esq.

Attorneys for Defendant
CHEVRON U.S.A. INC.

Dated: May __, 2009

UNITED STATES DEPARTMENT OF JUSTICE,
ENVIRONMENTAL DEFENSE SECTION

By: _____
Leslie M. Hill, Esq.

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Fred M. Blum, Esq.

Attorneys for Defendants
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Dated: May __, 2009

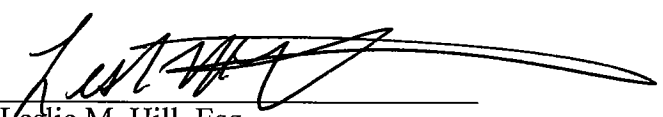
PILLSBURY WINTHROP SHAW PITTMAN LLP

By: _____
Blaine I. Green, Esq.

Attorneys for Defendant
CHEVRON U.S.A. INC.

Dated: May 8, 2009

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ENVIRONMENTAL DEFENSE SECTION

By: 

Leslie M. Hill, Esq.

Attorneys for Defendants
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UNITED STATES DEPARTMENT OF DEFENSE,
DEFENSE LOGISTICS AGENCY; UNITED STATES
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