

1 Paul P. Spaulding III (State Bar No. 083922)  
 sspaulding@fbm.com  
 2 James H. Colopy (State Bar No. 172806)  
 jcolopy@fbm.com  
 3 Ruth Ann Castro (State Bar No. 209448)  
 rcastro@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)  
 pmcgaw@archernorris.com  
 8 John L. Kortum (State Bar No. 148573)  
 jkortum@archernorris.com  
 9 ARCHER NORRIS  
 2033 North Main Street, Suite 800  
 10 Walnut Creek, CA 94596-3728  
 Telephone: (925) 930-6600  
 11 Facsimile: (925) 930-6620

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

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

17 SPPI-SOMERSVILLE, INC. and  
 18 SOMERSVILLE-GENTRY, INC.,

19 Plaintiffs,

20 vs.

21 TRC COMPANIES, INC.;  
 GBF HOLDINGS LLC, *et al.*,

22 Defendants.

23 SPPI-SOMERSVILLE, INC. and  
 24 SOMERSVILLE-GENTRY, INC.,

Plaintiffs,

25 vs.

26 CHEVRON U.S.A., INC., as successor to  
 Standard Oil of California, Inc.,

27 Defendants.  
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Case No. C 04-02648-SI  
 (Consolidated with Case No. C 07-05824 SI)

**STIPULATION AND [PROPOSED]  
 ORDER**

1 WHEREAS Plaintiffs SPPI-Somersville, Inc. and Somersville-Gentry, Inc. (“Plaintiffs”)  
2 and defendant City of Antioch (“Antioch”) have reached a settlement of all claims in this action;

3 WHEREAS Antioch will be filing a Motion seeking good faith court approval of the  
4 settlement, which will be joined by Plaintiffs;

5 WHEREAS Antioch and Plaintiffs seek to have the Motion heard on shortened time on  
6 September 22, 2009;

7 WHEREAS Antioch and Plaintiffs have filed motions in limine, and have exchanged jury  
8 instructions as between them;

9 IT IS HEREBY STIPULATED:

- 10 1. Each Motion in Limine filed by Antioch is taken off calendar and held in  
11 abeyance, without requiring any opposition, unless another party has joined that  
12 Motion in Limine. If a Motion in Limine filed by Antioch is joined by another  
13 party, such Motion(s) remain set for briefing and hearing under the current  
14 schedule previously set by the Court;
- 15 2. Antioch is not required to file Oppositions by the current deadline of September  
16 18, 2009, to any Motion in Limine filed by Plaintiffs;
- 17 3. Any jury instruction proposed by Antioch is not required to be included in the set  
18 of Jury Instructions being jointly submitted by the parties to the Court, unless  
19 another party has joined that jury instruction. If a jury instruction proposed by  
20 Antioch is joined by another party, it shall be included in the joint submission to  
21 the Court.
- 22 4. Should the Antioch’s Motion for good faith court approval not be granted, the  
23 Motions in Limine that were taken off calendar, and the jury instructions that were  
24 not included in the joint submission to the court, will be heard and resolved by the  
25 Court without prejudice to Antioch or Plaintiffs.

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IT IS SO STIPULATED

DATED: September 16, 2009 FARELLA BRAUN + MARTEL LLP

By: \_\_\_\_\_/s/  
James H. Colopy

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

DATED: September 16, 2009 SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: \_\_\_\_\_/s/  
Earl L. Hagström  
Matthew G. Dudley

Attorneys for Defendant  
CITY OF ANTIOCH

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2009



\_\_\_\_\_  
Honorable Susan Illston  
United States District Judge