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

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

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

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

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

**STIPULATION AND [PROPOSED] ORDER  
 FOR DISMISSAL BETWEEN PLAINTIFFS  
 AND DEFENDANT CITY OF ANTIOCH**

Hearing: September 22, 2009  
 11:00 a.m.  
 Judge: Hon. Susan Illston  
 Pretrial Conference: September 22, 2009  
 1:30 p.m.  
 Trial: October 5, 2009

1 WHEREAS on September 16, 2009, Plaintiffs SPPI-SOMERSVILLE, INC. and  
2 SOMERSVILLE-GENTRY, INC. (“Plaintiffs”) and defendant CITY OF ANTIOCH (“Antioch”)  
3 reached a settlement that is codified in a Settlement Agreement;

4 WHEREAS on September 22, 2009, the Court issued an Order (Dkt No. 701) granting  
5 Antioch’s Motion for Order Determining Good Faith of Settlement;

6 WHEREAS Section VI.1(e) of the Settlement Agreement provides that, within two  
7 business days of the Order Determining Good Faith of Settlement, Plaintiffs will dismiss with  
8 prejudice each and every claim, demand or cause of action by Plaintiffs against Antioch set forth  
9 in Case Nos. C:04-cv-02648-SI and C:07-cv-05824 SI;

10 WHEREAS Section VI.1(f) of the Settlement Agreement provides that, within two  
11 business days of the Order Determining Good Faith of Settlement, Antioch will dismiss with  
12 prejudice each and every claim, demand or cause of action by Antioch against Plaintiffs and all  
13 other parties set forth in Case Nos. C:04-cv-02648-SI and C:07-cv-05824 SI.

14 **STIPULATION**

- 15 1. Each and every claim, demand or cause of action by Plaintiffs against Antioch set  
16 forth in Case Nos. C:04-cv-02648-SI and C:07-cv-05824 SI is dismissed with  
17 prejudice;
- 18 2. Each and every claim, demand or cause of action by Antioch against Plaintiffs and  
19 all other parties set forth in Case Nos. C:04-cv-02648-SI and C:07-cv-05824 SI is  
20 dismissed with prejudice;

21 **IT IS SO STIPULATED**

22 DATED: September 24, 2009 FARELLA BRAUN + MARTEL LLP

23  
24 By:                   /s/                    
James H. Colopy

25 Attorneys for Plaintiffs  
26 SPPI-SOMERSVILLE, INC., and  
27 SOMERSVILLE-GENTRY, INC.

28 Concurrence in filing this document was obtained from Earl L. Hagström in compliance

