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7 Attorney for Plaintiffs
 8 BRUCE A. BURROWS and
 9 JAMES A. ROESSLER

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

11	BRUCE A. BURROWS and JAMES A.)	
12	ROESSLER,)	CASE NO. C 07-5354 MHP
13	Plaintiffs)	
14)	
15)	JOINT STATUS/CASE
16	DWIGHT W. PERRY, CARLETON L.)	MANAGEMENT STATEMENT,
17	PERRY, KWANG SUK LEE, KUI JA LEE,)	STIPULATION, AND
18	NAM SUN PARK AND SEUNG HEE)	(PROPOSED) ORDER
19	PARK,)	
20	Defendants.)	DATE: October 18, 2010
21)	TIME: 3:00 p.m.
22)	
23)	
24	AND RELATED COUNTERCLAIMS AND)	
25	CROSSCLAIMS.)	
26)	

27 Pursuant to this Court's Civil Local Rule ("Civ. L.R.") 16-9, the parties jointly submit
 28 this Status/Case Management Statement, Stipulation, and Proposed Order. Each party certifies
 that its lead trial counsel, who will try this case, met and conferred for the preparation of this

1 Statement as required by Civ. L.R. 16-3.

2 The parties make the following representations and stipulations:

3 **A. JOINT STATEMENT OF FACTS AND EVENTS UNDERLYING THE ACTION**

4 1. The Soil Vapor Extraction Pilot Study Workplan ("Workplan"), which was approved
5 by the Alameda County Division of Environmental Health ("ACDEH"), has been implemented.
6 The original actions and installations under the Workplan were completed as anticipated in the 1st
7 quarter of 2010. Thereafter, in mid-February, 2010, it was agreed to submit a supplemental
8 workplan for some additional sampling, and that supplemental workplan was submitted to ACDEH
9 by the parties' consultant. The ACDEH responded it needed some time to comment, which it did.
10 The parties met with ACDEH in spring, 2010, the supplemental workplan was approved, certain
11 additional monitoring wells were installed, samples were taken, a supplemental report was made and
12 another two, semi-annual rounds of sampling were agreed to. Reporting on the new sampling – the
13 first of two semi-annual rounds -- was made very recently, and ACDEH has not yet reviewed that
14 reporting. The second of the currently-agreed semi-annual sampling is planned for December.
15 Depending on the results, another round or rounds of sampling may be requested by ACDEH. The
16 parties remain hopeful that if the data is below regulatory levels, there is increased likelihood the
17 ACDEH could declare closure, leaving only the issue of final cost-sharing to be determined. If,
18 however, data is higher than hoped for, further remedial action may be needed.

19 2. Since May, 2008, a stay has been in effect upon agreements of the parties and orders
20 of this Court until October 15, 2010, and a Status/Case Management Conference has been scheduled
21 for October 18, 2010, at 3:00 p.m.

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Martin Deutsch by KEM with permission

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[Dublin Town & Country Associates and William Kartoizian Cross-Defendants Lead Trial Counsel]

Date: October 8, 2010

Respectfully submitted,

LAW OFFICES OF KARL R. MORTHOLE

By *Karl R. Morthole*

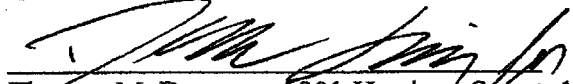
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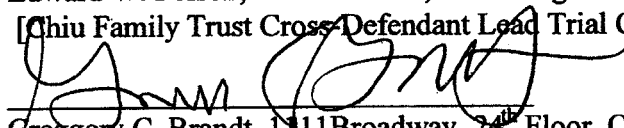
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Date: October __, 2010

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(PROPOSED) ORDER

1
2 The court finds that each party was represented by lead trial counsel responsible for trial
3 of this matter and was given an opportunity to be heard as to all matters encompassed by this
4 Status/Case Management Statement, Stipulation, and (Proposed) Order filed prior to the date of
5 this conference. The court adopts this statement as modified and enters it as the Order of this court
6 pursuant to Civ. L.R. 16-8(b).
7

8 The foregoing joint statement, as amended by setting the date for the next Status/Case
9 Management Conference for April 11 , 2011, is adopted by this court as the Case Management
10 Order in this action in accordance with Civ. L.R. 16 and other applicable Local Rules, and shall
11 govern all further proceedings in this action.
12

13 IT IS SO ORDERED.

14 Date: 10/12/2010



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12 ROESSLER,) CASE NO. C 07-5354 MHP
13 Plaintiffs)
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15) CERTIFICATE OF SERVICE
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17 DWIGHT W. PERRY, CARLETON L.)
18 PERRY, KWANG SUK LEE, KUI JA LEE,)
19 NAM SUN PARK AND SEUNG HEE)
20 PARK,)
21 Defendants.)
22)
23)

24 I declare that on the date set forth below, I served the attached

25 **JOINT STATUS/CASE MANAGEMENT STATEMENT,
26 STIPULATION, AND (PROPOSED) ORDER**

27 by e-filing on all parties by their counsel so appearing.

28 I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the date hereinafter set forth.

San Francisco, CA
Date: October 8, 2010

/s/ Karl R. Morthole
Karl R. Morthole