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5	Attorney for Plaintiffs BRUCE A. BURROWS and		
6	JAMES A. ROESSLER		
7			
8	UNITED STATES DI	STRICT COURT	
9	CIVITED STATES DI	Silder cook!	
10	NORTHERN DISTRICT OF CALIFORNIA		
11	BRUCE A. BURROWS and JAMES A. ROESSLER,) CASE NO. C 07-5354 MHP	
12	Plaintiffs)	
		,)	
13)	
14		JOINT STATUS/CASEMANAGEMENT STATEMENT,	
15) STIPULATION, AND	
16	DWIGHT W. PERRY, CARLETON L.	(PROPOSED) ORDER	
10	PERRY, KWANG SUK LEE, KUI JA LEE, NAM SUN PARK AND SEUNG HEE		
17	PARK,	DATE: October 18, 2010	
18	,)	
	Defendants.) TIME: 3:00 p.m.	
19		_)	
20	AND DELATED COUNTED OLAIMO AND		
	AND RELATED COUNTERCLAIMS AND CROSSCLAIMS.		
21	CROBBEL! HIVID.)	
22			
23			
24	Pursuant to this Court's Civil Local Rule ("Civ. L.R.") 16-9, the parties jointly submit		
25	this Status/Case Management Statement, Stipulation, and Proposed Order. Each party certifies		
26	that its lead trial counsel, who will try this case, met and conferred for the preparation of this		
27		Preparation of and	
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Statement as required by Civ. L.R. 16-3.

The parties make the following representations and stipulations:

A. JOINT STATEMENT OF FACTS AND EVENTS UNDERLYING THE ACTION

- The Soil Vapor Extraction Pilot Study Workplan ("Workplan"), which was approved 1. by the Alameda County Division of Environmental Health ("ACDEH"), has been implemented. The original actions and installations under the Workplan were completed as anticipated in the 1st quarter of 2010. Thereafter, in mid-February, 2010, it was agreed to submit a supplemental workplan for some additional sampling, and that supplemental workplan was submitted to ACDEH by the parties' consultant. The ACDEH responded it needed some time to comment, which it did. The parties met with ACDEH in spring, 2010, the supplemental workplan was approved, certain additional monitoring wells were installed, samples were taken, a supplemental report was made and another two, semi-annual rounds of sampling were agreed to. Reporting on the new sampling - the first of two semi-annual rounds -- was made very recently, and ACDEH has not yet reviewed that reporting. The second of the currently-agreed semi-annual sampling is planned for December. Depending on the results, another round or rounds of sampling may be requested by ACDEH. The parties remain hopeful that if the data is below regulatory levels, there is increased likelihood the ACDEH could declare closure, leaving only the issue of final cost-sharing to be determined. If, however, data is higher than hoped for, further remedial action may be needed.
- 2. Since May, 2008, a stay has been in effect upon agreements of the parties and orders of this Court until October 15, 2010, and a Status/Case Management Conference has been scheduled for October 18, 2010, at 3:00 p.m.

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- 3. The Plaintiffs, the Perrys Defendants, the Parks Defendants and the Chiu Family Trust Cross-Defendant have been in compliance with their agreement to contribute to and share certain costs, which agreement was reached at the time of the May 1, 2008, Settlement Conference before Magistrate Judge Laporte. Since that time they have reached further agreements to contribute to and share in the additional costs required to implement the work at the site. Payments by each of the contributing parties have been recorded as made, as have expenditures for the costs, and will continue to be accounted for, for future reference.
- 4. The Plaintiffs, the Perrys Defendants, the Parks Defendants, Cross-Defendant the Chiu Family Trust, and Cross-Defendants Dublin Town & Country Associates and William Kartozian, a general partner in Dublin Town & Country Associates, have all been in compliance with the stay which was part of their agreement reached at the time of the May 1, 2008, Settlement Conference before Magistrate Judge Laporte, and which stay has been extended by further agreement and orders of the Court.
- 5. With the purpose of minimizing costs to the parties and the waste of time of this Court, all the parties hereby stipulate to a further continuance of the stay and rescheduling of the Status/Case Management Conference before the Court.

B. IDENTIFICATION AND <u>SIGNATURE</u> OF LEAD TRIAL COUNSEL

The parties hereby respectfully request that the Court continue the stay previously ordered in the case until April 15, 2011. The parties further respectfully request that the Court reschedule the pending Status/Case Management Conference to a date in April, 2011, shortly before or after April 15, 2011, for example Monday, April 18, 2011, or such other date that is convenient to the Court. Karl R. Morthole hereby attests that concurrence in this Joint Case Management Conference Statement was obtained from Lead Trial Counsel for the Defendants listed immediately below.

1	
2	Martin Deutsch by KEM with permission
3	Martin Deutsch, 440 North First Street, Suite 200, San Jose, CA 95112, 408-947-1760 [Parks Defendants Lead Trial Counsel]
4	Thomas M. Downey, 1901 Harrison Street, 11 th Floor, Oakland, CA 94612, 510-444-6800
5	[Perrys Defendants Lead Trial Counsel]
6	Edward W. Polson by KEM with permission
7	Edward W. Polson, PO Box 1223, 31 Graeagle Meadows, Graeagle, CA 96103, 530-836-1255 [Chiu Family Trust Cross-Defendant Lead Trial Counsel]
9	Greggory C. Brandt, 1111Broadway, 24 th Floor, Oakland, CA 94607-4036, 510-834-6600 [Dublin Town & Country Associates and William Kartozian Cross-Defendants Lead Trial
11	Counsel]
12	
13	
14	
15	Date: October <u>6</u> , 2010
16	Respectfully submitted,
17 18	LAW OFFICES OF KARL R. MORTHOLE
19	By Knulk Morthole
20	Karl R. Morthole Lead Trial Counsel for Plaintiffs
21	Law Offices of Karl R. Morthole 57 Post Street
22	Suite 801 San Francisco, CA 94104
23	(415) 986-0227 karl@mortholelaw.com
24	Kai (@)northolelaw.com
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3	Martin Deutsch, 440 North First Street, Suite 200, San Jose, CA 95112, 408-947-1760
	[Parks Defendants Lead Trial Counsel]
4	- Marino
5	Thomas M. Downey, 1901 Harrison Street, 11th Floor, Oakland, CA 94612, 510-444-6800
6	[Perrys Defendants Lead Trial Counsel]
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8	[Chiu Family Trust Cross-Defendant Lead Trial Counsel]
9	
1.0	Greggory C. Brandt, 1111Broadway, 24th Floor, Oakland, CA 94607-4036, 510-834-6600
10	[Dublin Town & Country Associates and William Kartozian Cross-Defendants Lead Trial Counsel]
11	Counsely
12	
13	
14	
15	Date: October, 2010
16	
17	Respectfully submitted,
	LAW OFFICES OF KARL R. MORTHOLE
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19	By Karl R. Morthole
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2	Martin Deutsch, 440 North First Street, Suite 200, San Jose, CA 95112, 408-947-1760
4	[Parks Defendants Lead Trial Counsel]
5	Thomas M. Downey, 1901 Harrison Street, 11 th Floor, Oakland, CA 94612, 510-444-6800 [Perrys Defendants Lead Trial Counsel]
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7 8	Edward W. Polson, PO Box 1223, 31 Graeagle Meadows, Graeagle, CA 96103, 530-836-1255 [Chiu Family Trust Cross Defendant Load Trial Counsel]
9	Greggory C. Brandt, 111Broadway, 24th Floor, Oakland, CA 94607-4036, 510-834-6600
10	Dublin Town & Country Associates and William Kartozian Cross-Defendants Lead Trial
11	Counsel]
12	
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15	Date: October, 2010
16	Respectfully submitted,
17 18	LAW OFFICES OF KARL R. MORTHOLE
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21	57 Post Street
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23	(415) 986-0227 karl@mortholelaw.com
24	Rational diviolation
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## (PROPOSED) ORDER

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

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

IT IS SO ORDERED.

Date: ___10/12/2010



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5	Attorney for Plaintiffs		
6	BRUCE A. BURROWS and JAMES A. ROESSLER		
7	UNITED STATES DISTRICT COURT		
8	NORTHERN DISTRICT OF CALIFORNIA		
9	BRUCE A. BURROWS and JAMES A.	)	
10	ROESSLER,	) CASE NO. C 07-5354 MHP	
11	Plaintiffs	)	
12		) CERTIFICATE OF SERVICE	
13	DWIGHT W. PERRY, CARLETON L.	)	
14	PERRY, KWANG SUK LEE, KUI JA LEE, NAM SUN PARK AND SEUNG HEE	)	
15	PARK,	)	
	Defendants.	)	
16			
17	I declare that on the date set forth below, I served the attached		
18		ANAGEMENT STATEMENT,	
19	STIPULATION, AN	D (PROPOSED) ORDER	
20	by e-filing on all parties by their counsel so app	pearing.	
21	1 1 1 1 1	going is true and correct and that this declaration	
22	was executed on the date hereinafter set forth.		
23			
24		Vorl D. Mortholo	
25	San Francisco, CA Date: October 8, 2010	Karl R. Morthole  Karl R. Morthole	
26	23		
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