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 2 Law Offices of Karl R. Morthole
 3 57 Post Street
 4 Suite 801
 5 San Francisco, CA 94104
 6 (415) 986-0227

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: April 11, 2011
21)	TIME: 3:00 p.m.
22)	
23)	PLACE: Crt #15, 18 th Floor
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
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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 supplemental Soil Vapor Extraction Pilot Study Workplan ("Supplemental
5 Workplan"), which was approved by the Alameda County Division of Environmental Health
6 ("ACDEH"), has been implemented. The original actions and installations were completed as
7 anticipated in 2010. Thereafter, the Supplemental Workplan was approved, certain additional
8 monitoring wells were installed, and two more rounds of samples were taken. Reporting on the new
9 sampling – the second of two semi-annual rounds -- was made very recently, and ACDEH has not
10 yet reviewed that reporting. Unfortunately, there may be some delay in ACDEH review due to
11 partial re-assignment of the agency project manager, and increased workload. The parties remain
12 hopeful that ACDEH could declare closure, leaving only the issue of final cost-sharing to be
13 determined. ACDEH review is hoped for in the next few months.

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16 2. Since May, 2008, a stay has been in effect upon agreements of the parties and orders
17 of this Court until April 15, 2011, and a Status/Case Management Conference has been scheduled
18 for April 11, 2011, at 3:00 p.m.

19
20 3. The Plaintiffs, the Perrys Defendants, the Parks Defendants and the Chiu Family
21 Trust Cross-Defendant (the "Cost-Sharing Parties") have been in compliance with their agreement to
22 contribute to and share certain costs, which agreement was reached at the time of the May 1, 2008,
23 Settlement Conference before Magistrate Judge Laporte. Since that time they have reached further
24 agreements to contribute to and share in the additional costs required to implement the work at the
25 site. Payments by each of the Cost-Sharing Parties have been recorded as made, as have

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27 ///

1 expenditures for the costs, and will continue to be accounted for, for future reference. Monies
2 remain in the agreed contribution account, however, the monies may need replenishment soon. It is
3 hoped that the monies that remain available will be sufficient to cover needed work up to the time
4 ACDEH can complete its review and declare closure.

5 4. The Plaintiffs, the Perrys Defendants, the Parks Defendants, Cross-Defendant the
6 Chiu Family Trust, and Cross-Defendants Dublin Town & Country Associates and William
7 Kartoian, a general partner in Dublin Town & Country Associates, have all been in compliance
8 with the stay which was part of their agreement reached at the time of the May 1, 2008, Settlement
9 Conference before Magistrate Judge Laporte, and which stay has been extended by further
10 agreement and orders of the Court.
11

12 5. With the purpose of minimizing costs to the parties and the waste of time of this
13 Court, all the parties hereby stipulate to a further continuance of the stay and rescheduling of the
14 Status/Case Management Conference before the Court.
15

16 **B. IDENTIFICATION AND SIGNATURE OF LEAD TRIAL COUNSEL**

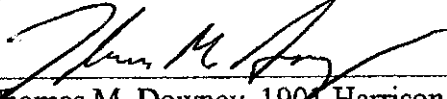
17 The parties hereby respectfully request that the Court continue the stay previously ordered in
18 the case until October 15, 2011. The parties further respectfully request that the Court reschedule
19 the pending Status/Case Management Conference to a date in October, 2011, shortly before or
20 after October 15, 2011, for example Monday, October 17, 2011, or such other date that is
21 convenient to the Court. Karl R. Morthole hereby attests that concurrence in this Joint Case
22 Management Conference Statement was obtained from Lead Trial Counsel for the Defendants
23 listed immediately below.
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Martin Deutsch, 440 North First Street, Suite 200, San Jose, CA 95112, 408-947-1760
[Parks Defendants Lead Trial Counsel]



Thomas M. Downey, 1901 Harrison Street, 11th Floor, Oakland, CA 94612, 510-444-6800
[Perrys Defendants Lead Trial Counsel]

Edward W. Polson, PO Box 1223, 31 Graeagle Meadows, Graeagle, CA 96103, 530-836-1255
[Chiu Family Trust Cross-Defendant Lead Trial Counsel]

Greggory C. Brandt, 1111 Broadway, 24th Floor, Oakland, CA 94607-4036, 510-834-6600
[Dublin Town & Country Associates and William Kartoizian Cross-Defendants Lead Trial Counsel]

April 1, 2011 KRM

Date: March, 2011

Respectfully submitted,

LAW OFFICES OF KARL R. MORTHOLE

By 

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Lead Trial Counsel for Plaintiffs
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4 [Parks Defendants Lead Trial Counsel]

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6 [Perrys Defendants Lead Trial Counsel]

7 Edward W. Polson (w/permission - KRM)
8 Edward W. Polson, PO Box 1223, 31 Graeagle Meadows, Graeagle, CA 96103, 530-836-1255
9 [Chiu Family Trust Cross-Defendant Lead Trial Counsel]

10 Greggory C. Brandt (w/permission - KRM)
11 Greggory C. Brandt, 1111 Broadway, 24th Floor, Oakland, CA 94607-4036, 510-834-6600
12 [Dublin Town & Country Associates and William Kartoian Cross-Defendants Lead Trial
13 Counsel]

14
15 Date: April 1, 2011

16 Respectfully submitted,

17 LAW OFFICES OF KARL R. MORTHOLE

18 By Karl R. Morthole

19 Karl R. Morthole
20 Lead Trial Counsel for Plaintiffs
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23 Suite 801
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26 karl@mortholelaw.com

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~~(PROPOSED)~~ ORDER

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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 October 31, 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: 4/4/2011



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7 Attorney for Plaintiffs
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9 UNITED STATES DISTRICT COURT
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11 BRUCE A. BURROWS and JAMES A.)
12 ROESSLER,) CASE NO. C 07-5354 MHP
13 Plaintiffs)
14)
15) CERTIFICATE OF SERVICE
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18 DWIGHT W. PERRY, CARLETON L.)
19 PERRY, KWANG SUK LEE, KUI JA LEE,)
20 NAM SUN PARK AND SEUNG HEE)
21 PARK,)
22 Defendants.)
23)
24)

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

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

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

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: April 1, 2011

/s/ Karl R. Morthole
Karl R. Morthole