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5 Attorneys for Defendant and Third Party Plaintiff
 6 Stark Investment Company, a California
 general partnership

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

PALMTREE ACQUISITION
 CORPORATION, a Delaware corporation,

Plaintiff,

vs.

MICHAEL R. NEELY, an individual, PERRY
 J. NEELY, an individual; GARY NEELY, an
 individual; MICHAEL R. NEELY, PERRY J.
 NEELY and GARY NEELY dba MIKE'S ONE
 HOUR CLEANERS; CHARLES FREDERICK
 HARTZ dba PAUL'S SPARKLE CLEANERS;
 CHARLES F. HARTZ, an individual;
 MULTIMATIC CORPORATION, a New
 Jersey corporation; WESTERN STATES
 DESIGN, a California corporation;
 MCCORDUCK PROPERTIES LIVERMORE,
 LLC, a Delaware limited liability company
 individually and as the successor to JOHN
 MCCORMICK, KATHLEEN MCCORDUCK,
 PAMELA MCCORDUCK, SANDRA
 MCCORDUCK MARONA, and IMA
 FINANCIAL CORPORATION, a California
 corporation; STARK INVESTMENT
 COMPANY, a California general partnership;
 GRUBB & ELLIS REALTY INCOME
 TRUST, LIQUIDATING TRUST, a California
 trust; and DOES 1-20, inclusive,

Defendants.

Case No. CV 08 3168 MHP

**STIPULATION AND ~~PROPOSED~~
 ORDER] CONTINUING CASE
 MANAGEMENT CONFERENCE**

Hon. Marilyn H. Patel

Date: June 6, 2011

Time: 2:00 p.m.

Courtroom: 15, 18th floor

1 THE KIRRBURG CORPORATION, formerly
2 known as MULTIMATIC CORPORATION, a
3 New Jersey corporation; and STARK
INVESTMENT COMPANY, L.P., a California
limited partnership,

4 Third Party Plaintiffs,

5 v.

6 DOROTHY ANDERSON, Trustee of The
7 Anderson Marital Trust, dated February 28,
1979, as amended and restated August 31, 1994;
8 and DOROTHY ANDERSON, Trustee of The
9 Anderson Tax Deferral Trust, dated February
28, 1979, as amended and restated August 31,
1994,

10 Third Party Defendants.

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13 The parties who have appeared in the above-captioned action have met and conferred and
14 jointly submit the following Stipulation and Proposed Order continuing the Case Management
15 Conference currently scheduled for June 6, 2011 at 2:00 p.m. to a date in October that is available
16 on the Court's calendar.

17 1. The Plaintiff and Defendants, with the exception of Grubb & Ellis Realty Income
18 Trust, Liquidating Trust, ("Responding Parties") have been mediating this matter with Timothy
19 Gallagher, Esq., along with other potentially responsible parties, and are continuing to do so, while
20 simultaneously working cooperatively to respond to the Regional Water Quality Control Board's
21 ("RWQCB") directives.

22 2. At the last Case Management Conference on September 27, 2010, the Court
23 "administratively closed" the case, subject to the Parties' notice to put the case back on calendar.
24 The Third Amended Third Party Complaint was filed on March 21, 2011 against Third Party
25 Defendants Dorothy Anderson, Trustee of The Anderson Marital Trust, dated February 28, 1979,
26 as amended and restated August 31, 1994; and Dorothy Anderson, Trustee of The Anderson Tax
27 Deferral Trust, dated February 28, 1979, as amended and restated August 31, 1994. The deadline
28 for Third Party Defendants to respond is June 1, 2011.

1 3. Since the last Case Management Conference, the Responding Parties, through their
2 various technical consultants, have implemented a work plan that the RWQCB had approved. On
3 March 31, 2011, the Responding Parties submitted a Remedial Investigation report to the RWQCB
4 containing a summary of their technical investigation of the site and proposed remedial
5 alternatives. The RWQCB is currently reviewing the Responding Parties' report. In the meantime,
6 the Responding Parties are requesting bids from contractors for the design and installation of
7 remedial actions proposed in their report.

8 4. The Responding Parties are currently engaged in mediation with Mr. Gallagher to
9 fund the recommended remedial actions. These sessions, which are presently underway, are
10 scheduled through July 2011.

11 5. Therefore, to allow the Responding Parties to continue their informal negotiations
12 between themselves with Mr. Gallagher, the Responding Parties stipulate that the case
13 management conference currently scheduled for June 6, 2011 be continued to a date in October
14 that is available on the Court's calendar.

15
16 DATED: May 26, 2011

Gonsalves & Kozachenko

17
18 By: /s/ Selena P. Ontiveros
 Selena P. Ontiveros

19
20 Attorneys for Defendant & Third Party
21 Plaintiff Stark Investment Company, a
California general partnership

22 DATED: May 26, 2011

The Costa Law Firm

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24 By: /s/ Daniel P. Costa
 Daniel P. Costa

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26 Attorneys for Defendant & Third Party
27 Plaintiff Stark Investment Company, a
28 California general partnership

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DATED: May 26, 2011

Cox, Castle & Nicholson, LLP

By: /s/ Peter Morrisette
Peter Morrisette

Attorneys for Plaintiff
Palmtree Acquisition Corporation

DATED: May 26, 2011

Bassi, Edlin, Huie & Blum LLP

By: /s/ Noel Edlin
Noel Edlin

Attorneys for Defendants
Michael R. Neely, Perry J. Neely, and
Gary Neely, dba Mike’s One Hour Cleaners

DATED: May 26, 2011

Dongell Lawrence Finney, LLP

By: /s/ Thomas A. Vandenburg
Thomas A. Vandenburg

Attorneys for Defendant & Third Party
Plaintiff The Kirrberg Corporation f/k/a
Multimatic Corporation

DATED: May 26, 2011

Rogers Joseph O’Donnell

By: /s/ Robert C. Goodman
Robert C. Goodman

Attorneys for Defendant Charles Frederick
Hartz, dba Paul’s Sparkle Cleaners

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DATED: May 26, 2011

Gordon, Watrous, Ryan, Langley, Bruno & Paltenghi

By: /s/ Bruce C. Paltenghi
Bruce C. Paltenghi

Attorneys for Defendant McCorduck Properties Livermore, LLC

DATED: May 26, 2011

Castellon & Funderburk LLP

By: /s/ Ruben A. Castellon
Ruben A. Castellon

Attorneys for Defendant McCorduck Properties Livermore, LLC

DATED: May 26, 2011

Foley McIntosh Frey & Claytor

By: /s/ James D. Claytor
James D. Claytor

Attorneys for Defendant Western State Design

ORDER

The Case Management Conference scheduled for June 6, 2011 at 2:00 p.m. is continued to October 24, 2011 at 3:00 p.m. The Stipulation and Order entered by the Court on September 15, 2008 remains in effect, including the stay on discovery.

Dated: 5/27/2011

