

1 Victor M. Sher, SBN 96197
vsher@sherleff.com

2 Todd E. Robins, SBN 191853
trobins@sherleff.com

3 Marnie E. Riddle, SBN 233732
mriddle@sherleff.com

4 SHER LEFF LLP
5 450 Mission Street, Suite 400
6 San Francisco, CA 94105
7 Telephone: (415) 348-8300
8 Facsimile: (415) 348-8333

9 Scott Summy, *Admitted in Texas, SBN 19507500*
ssummy@baronbudd.com

10 Cary McDougal, *Admitted in Texas, SBN 13569600*
cmcdougal@baronbudd.com

11 Carla Burke, *Admitted in Texas, SBN 24012490*
cburke@baronbudd.com

12 Celeste Evangelisti, SBN 225232
cevangel@baronbudd.com

13 BARON & BUDD, P.C.
14 3102 Oak Lawn Avenue, Suite 1100
15 Dallas, TX 75219-4281
16 Telephone: (214) 523-6267
17 Facsimile: (214) 520-1181

18 Attorneys for Plaintiff
19 CALIFORNIA WATER SERVICE COMPANY

20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**

22 CALIFORNIA WATER SERVICE
23 COMPANY,

24 Plaintiff,

25 vs.

26 THE DOW CHEMICAL COMPANY; E.I.
27 DUPONT DE NEMOURS AND COMPANY;
28 PPG INDUSTRIES, INC.; VULCAN
MATERIALS COMPANY; OCCIDENTAL
CHEMICAL CORPORATION; VALERO
ENERGY CORPORATION; STAUFFER
CHEMICAL COMPANY; BOWE-PERMAC,
INC., individually and d/b/a BOWE TEXTILE
CLEANING, INC.; HOYT CORPORATION;

CASE NO. CIV-08-03267 SI

**STIPULATION, AND STIPULATED
REQUEST FOR ORDER CHANGING
DEADLINE FOR INITIAL DISCLOSURES**

(CIVIL L.R. 6-2)

STIPULATION, AND STIPULATED REQUEST FOR ORDER CHANGING
DEADLINE FOR INITIAL DISCLOSURES; Case No. CIV-08-03267 SI

1 R.R. STREET & CO., INC.; MCGRAW
 2 EDISON COMPANY, individually and d/b/a
 3 AMERICAN LAUNDRY MACHINERY, INC.,
 4 AMERICAN LAUNDRY MACHINERY, INC.,
 5 individually and d/b/a AJAX
 6 MANUFACTURING DIVISION AND
 7 MARTIN EQUIPMENT, WHITE
 8 CONSOLIDATED INDUSTRIES, INC.,
 9 individually and d/b/a WASHEX
 10 MACHINERY DIVISION, ELECTROLUX
 11 CORPORATION, LINDUS S.R.L., individually
 12 and d/b/a LINDUS WEST, COLUMBIA
 13 DRYCLEANING MACHINES, a/k/a
 14 COLUMBIA/ILSA MACHINES CORP.,
 15 REALSTAR, INC., individually and d/b/a
 16 REALSTAR USA, UNION DRYCLEANING
 17 PRODUCTS USA, FIRBIMATIC,
 18 BERGPARMA OF AMERICA, LLC, AMA
 19 UNIVERSAL, FLUORMATIC MIDWEST
 20 LTD., FORENTA LP, WESTERN MULTITEX
 21 CORP., MARVEL MANUFACTURING,
 22 RENZACCI OF AMERICA, SAIL STAR USA,
 23 VIC MANUFACTURING CORPORATION,
 24 M.B.L., INC., GOSS-JEWETT CO. OF
 25 NORTHERN CALIFORNIA, MCGREGOR
 26 SUPPLY COMPANY, S.B. SUPPLY INC.,
 27 WASHEX MACHINERY OF CALIFORNIA,
 28 INC., WORKROOM SUPPLY, INC., TAYLOR
 HOUSEMAN, INC., UNITED FABRICARE
 SUPPLY, INC., ECHCO SALES INC., MW
 EQUIPMENT, ARTHUR KAJIWARA
 EQUIPMENT CO., INC., KELLEHER
 EQUIPMENT SUPPLY, INC., US
 MACHINERY & ENGINEERING CO., INC.,
 WYATT-BENNETT, CORBETT
 EQUIPMENT, FULLER SUPPLY
 COMPANY, SAV-ON MACHINERY
 COMPANY, INC. and DOES 1 through 750,
 INCLUSIVE,

Defendants.

23 WHEREAS, the above-captioned action, *California Water Service Company v. Dow*
 24 *Chemical Company*, originally denominated Case No. CV 473093, was filed on May 22, 2008, in the
 25 Superior Court of California in and for the County of San Mateo;

26 WHEREAS, defendant PPG Industries, Inc. and joining and consenting defendants filed a
 27 Notice of Removal to remove the action to this Court on July 7, 2008;

1 WHEREAS, Plaintiff thereafter moved to remand this action back to the Superior Court of
2 California in and for the County of San Mateo by Motion for Remand filed August 6, 2008, and that
3 motion is scheduled for hearing in this Court at 9:00 a.m. on October 31, 2008;

4 WHEREAS, defendant PPG Industries, Inc. and joining and consenting defendants filed a
5 Motion for Leave to Amend Notice of Removal on August 27, 2008, and that motion is scheduled
6 for hearing in this Court at 9:00 a.m. on October 31, 2008;

7 WHEREAS, the Initial Case Management Conference before this Court is scheduled for 2:00
8 p.m. on October 31, 2008;

9 WHEREAS, counsel for the parties below have agreed that it will serve the interests of
10 judicial economy to defer the existing October 24, 2008 deadline for FRCivP 26(a)(1)(A) Initial
11 Disclosures until a date to be set at the Initial Case Management Conference one week later, but to
12 still exchange certain categories of information on October 3, 2008 as set forth below;

13 WHEREAS, the Initial Disclosure deadline has not previously been extended, and counsel
14 below agree that this change will not have a material effect upon the schedule for this case;

15 WHEREAS, some of the 45 defendants identified in Plaintiff's Complaint are not included as
16 signatories below because they are dissolved, they have not been served, they have been served but
17 intend to challenge service and/or they are not represented by counsel;

18 WHEREAS, this stipulation does not waive any rights, motions, or defenses regarding
19 challenges to the Court's jurisdiction;

20 NOW, THEREFORE, all signatory parties below, by and through their respective counsel,
21 stipulate and request pursuant to Civil Local Rule 6-2 that this Court enter the following Order:

22 **STIPULATION AND REQUESTED ORDER**

- 23 1. The current deadline of October 24, 2008 for each signatory party below to serve Initial
24 Disclosures pursuant to FRCivP 26(a)(1)(A) is vacated, and a revised deadline for Initial
25 Disclosures will be determined at the Initial Case Management Conference on October
26 31, 2008.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. The current date for the Initial Case Management Conference, and any other current deadlines under the Federal Rules of Civil Procedure, ADR Local Rules, Civil Local Rules or this Court's Orders, remain unchanged.
3. By October 3, 2008, Plaintiff will serve upon each signatory Defendant below a statement containing the following information:
 - a. name and location of each water supply well that Plaintiff contends is at issue in this lawsuit;
 - b. for each well at issue, the highest level of perchloroethylene (PCE) detected at that well at any time (with the date of testing), and the most recent level of PCE detected at that well (with the date of testing);
 - c. for each well at issue, the name and location of any dry cleaner or other source that Plaintiff asserts is a source of PCE contamination at that well;
 - d. a dollar figure or range of dollar figures as appropriate for the damages being sought by Plaintiff in this lawsuit.
4. By October 3, 2008, each signatory Defendant below will provide Plaintiff with the following:
 - a. name(s) of each liability insurer whose policies might provide coverage to that defendant (excluding excess policies), the type of policy held by the defendant, and the limit of coverage provided in that policy.
5. By October 3, 2008, defendants The Dow Chemical Company, PPG Industries, Inc., Legacy Vulcan Corp., Occidental Chemical Corporation and E.I. DuPont De Nemours and Company each will provide Plaintiff with the following:
 - a. copies of any distribution agreement, as between one of these defendants and a distributor defendant named in this lawsuit, relating to the distribution of dry cleaning grade PCE to dry cleaners in the State of California between 1970 and the present.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. By October 3, 2008, defendants R.R. Street & Co., Inc., Mondial Drycleaning Products Inc., M.B.L., Inc., McGregor Supply Company, Workroom Supply, Taylor Houseman, and United Fabricare each will provide Plaintiff with the following:

- a. copies of any distribution agreement, as between one of these defendants and a PCE manufacturer defendant named in this lawsuit, relating to the distribution of dry cleaning grade PCE to dry cleaners in the State of California between 1970 and the present.

PURSUANT TO STIPULATION, IT IS SO ORDERED.



Dated: _____

Hon. Susan Illston
United States District Judge

IT IS SO STIPULATED.

Dated: September 19, 2008

LEGACY VULCAN CORP, f/k/a VULCAN MATERIALS COMPANY

By: /s/ James H. Colopy, Esq.

Douglas R. Young, Esq.
James H. Colopy, Esq.
Ruth Ann Castro, Esq.
FARELLA BRAUN + MARTEL LLP
Russ Building
235 Montgomery Street, 17th Floor
San Francisco, CA 94104

Counsel for defendant Legacy Vulcan Corp. certifies that concurrence has been obtained from counsel for each party below to execute and file this pleading on behalf of that party, and this pleading is therefore being filed in compliance with General Order No. 45, Section X.B.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

CALIFORNIA WATER SERVICE COMPANY

By: _____ /s/

Victor M. Sher, Esq.
Marnie E. Riddle, Esq.
Nicholas G. Campins, Esq.
SHER LEFF LLP
450 Mission St., Suite 400
San Francisco, CA 94105

Dated: _____

THE DOW CHEMICAL COMPANY

By: _____ /s/

Gennaro A. Filice, Esq.
Stephen J. Valen, Esq.
Daniel J. Nichols, Esq.
FILICE, BROWN, EASSA & MCLEOD LLP
Lake Merritt Plaza
1999 Harrison St., 18th Floor
Oakland, CA 94612-3408

Dated: _____

E.I. DUPONT DE NEMOURS AND COMPANY

By: _____ /s/

Andrew T. Mortl, Esq.
GLYNN & FINLEY, LLP
One Walnut Creek Center
100 Pringle Avenue, Suite 500
Walnut Creek, CA 94596

Dated: _____

PPG INDUSTRIES, INC.

By: _____ /s/

Gary J. Smith, Esq.
Ryan R. Tacorda, Esq.
BEVERIDGE & DIAMOND, P.C.
456 Montgomery Street, Suite 1800
San Francisco, CA 94104-1251

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

OCCIDENTAL CHEMICAL CORPORATION

By: _____ /s/

Stephen C. Lewis, Esq.
Maureen L. King, Esq.
BARG, COFFIN, LEWIS & TRAPP, LLP
350 California Street, 22nd Floor
San Francisco, CA 94104-1435

Dated: _____

VALERO ENERGY CORPORATION

By: _____ /s/

Steven H. Gurnee, Esq.
John A. Mason, Esq.
GURNEE & DANIELS LLP
2240 Douglas Blvd., Suite 150
Roseville, CA 95661-3805

Dated: _____

BOWE-PERMAC, INC., individually and d/b/a
BOWE TEXTILE CLEANING, INC.

By: _____ /s/

Alexander M. Weyand, Esq.
PETERSON, WEYAND, MARTIN LLP
49 Stevenson Street, 10th Floor
San Francisco, CA 94105

Dated: _____

SAIL STAR USA

By: _____ /s/

Alexander M. Weyand, Esq.
PETERSON, WEYAND, MARTIN LLP
49 Stevenson Street, 10th Floor
San Francisco, CA 94105

Dated: _____

HOYT CORPORATION

By: _____ /s/

Mandy Jeffcoach, Esq.
MCCORMICK BARSTOW, LLP
5 River Park Place East
Fresno, CA 93720

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

AMERICAN LAUNDRY MACHINERY, INC.,
individually and d/b/a AJAX MANUFACTURING
DIVISION AND MARTIN EQUIPMENT

By: _____ /s/

Christopher M. Bechhold, Esq.
THOMPSON HINE
312 Walnut Street, 14th Floor
Cincinnati, OH 45202-4089

Dated: _____

COLUMBIA DRYCLEANING MACHINES, a/k/a
COLUMBIA/ ILSA MACHINES CORP.

By: _____ /s/

Anthony S. Cannatella, Esq.
LAW OFFICES OF ANTHONY S. CANNATELLA
53 Orchard Street
Manhasset, NY 11030

Dated: _____

R.R. STREET & CO., INC.

By: _____ /s/

Eric Grant, Esq.
HICKS THOMAS LLP
8001 Folsom Boulevard, Suite 100
Sacramento, CA 95826

John B. Thomas, Esq.
Brian A. Abramson, Esq.
HICKS THOMAS LLP
700 Louisiana, Suite 2000
Houston, TX 77002

Dated: _____

MONDIAL DRYCLEANING PRODUCTS, INC.
(improperly sued as Union Drycleaning Products
U.S.A. and Realstar, Inc., individually and d/b/a
Realstar USA)

By: _____ /s/

Eric Grant, Esq.
HICKS THOMAS LLP
8001 Folsom Boulevard, Suite 100
Sacramento, CA 95826

John B. Thomas, Esq.
Brian A. Abramson, Esq.
HICKS THOMAS LLP
700 Louisiana, Suite 2000
Houston, TX 77002

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

FORENTA LP

By: _____ /s/

Susan L. Caldwell, Esq.
Ryan Deam, Esq.
KOLETSKY, MANCINI, FELDMAN & MORROW
3460 Wilshire Boulevard, Eighth Floor
Los Angeles, CA 90010-2228

Dated: _____

KELLEHER EQUIPMENT SUPPLY, INC.

By: _____ /s/

Stephen A. Spataro, Esq.
SPATARO & ASSOCIATES
951 Jays Way
Ringgold, GA 30736-8982

Dated: _____

RENZACCI OF AMERICA, INC.

By: _____ /s/

Stephen A. Spataro, Esq.
SPATARO & ASSOCIATES
951 Jays Way
Ringgold, GA 30736-8982

Dated: _____

M.B.L., INC.

By: _____ /s/

A. Raymond Hamrick, III, Esq.
Douglas K. Lackey, Esq.
HAMRICK & EVANS, LLP
10 Universal City Plaza, Suite 2200
Universal City, CA 91608-1009

Dated: _____

MCGREGOR SUPPLY COMPANY.

By: _____ /s/

Jan A. Greben, Esq.
GREBEN & ASSOCIATES
1332 Anacapa Street, Suite 110
Santa Barbara, CA 93101

Dated: _____

WASHEX MACHINERY OF CALIFORNIA, INC.

By: _____ /s/

Jube Najarian, Esq.
JACOBSON, HANSEN, NAJARIAN &
MCQUILLAN
1690 West Shaw Avenue, Suite 201
Fresno, CA 93711

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

WORKROOM SUPPLY, INC.

By: _____ /s/

David A. Melton, Esq.
PORTER SCOTT
350 University Ave., Suite 200
Sacramento, CA 95825

Dated: _____

TAYLOR HOUSEMAN, INC.

By: _____ /s/

William H. Kochenderfer, Esq.
TELLES, WALKER & KOCHENDERFER, LLP
12210 Herdal Drive, Suite 11
Auburn, CA 95603

Dated: _____

UNITED FABRICARE SUPPLY, INC.

By: _____ /s/

Patrick M. Maloney, Esq.
BAUTE & TIDUS LLP
777 Figueroa St. #4900
Los Angeles, CA 90017

Dated: _____

MW EQUIPMENT

By: _____ /s/

Evan A. Berman, Esq.
Kenneth D. Kan, Esq.
BERMAN BERMAN & BERMAN LLP
11900 West Olympic Blvd., Sixth Floor
Los Angeles, CA 90064

Dated: _____

WYATT-BENNETT

By: _____ /s/

Mark B. Gilmartin, Esq.
LAW OFFICES OF MARK B. GILMARTIN
1534 17th Street, Suite 103
Santa Monica, CA 90404-3452

Dated: _____

CORBETT EQUIPMENT

By: _____ /s/

Thomas W. Hood, Esq
HOOD & REED
18141 Beach Blvd., Suite 390
Huntington Beach, CA 92648

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

ELECTROLUX HOME PRODUCTS, INC. f/k/a
White Consolidated Industries, Inc. (erroneously
sued as Electrolux Corporation)

By: _____ /s/

Michele A. Powers, Esq.
ALSTON & BIRD LLP
333 South Hope Street, Sixteenth Floor
Los Angeles, CA 90071