

1 DENNIS J. HERRERA, State Bar #139669
 City Attorney
 2 JOANNE HOEPER, State Bar #114961
 Chief Trial Deputy
 3 DONALD P. MARGOLIS, State Bar #116588
 4 ELAINE M. O'NEIL, State Bar #142234
 Deputy City Attorneys
 5 Fox Plaza
 1390 Market Street, 6th Floor
 6 San Francisco, California 94102-5408
 Telephone: (415) 554-3853
 7 Facsimile: (415) 554-3837
 8 E-Mail: don.margolis@sfgov.org

9 DAWN S. PITTMAN, State Bar No. 177962
 ANNE H. LEE, State Bar No. 258016
 10 MORGAN, LEWIS & BOCKIUS LLP
 One Market, Spear Street Tower
 11 San Francisco, California 94105-1126
 Tel: (415) 442-1000; Fax: (415) 442-1001
 12 dpittman@morganlewis.com
anne.lee@moganlewis.com

13 Attorney for Defendant
 14 EXXON MOBIL OIL CORPORATION

15
 16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

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 19 CITY AND COUNTY OF SAN
 FRANCISCO, by and through its PORT
 20 COMMISSION, and PEOPLE OF THE
 STATE OF CALIFORNIA,

21 Plaintiff,

22 vs.

23 EXXON MOBIL OIL CORPORATION, a
 24 corporation, and DOES 1-100,

25 Defendant.

Case No. C-08-03490 MHP

**JOINT STIPULATION AND REQUEST
 FOR EXTENSION OF TIME TO
 COMPLETE MEDIATION; AND
~~PROPOSED~~ ORDER**

1 In accordance with the December 9, 2008 Order and Stipulation Selecting ADR Process
2 and ADR L. R. 6-6, Plaintiffs, CITY AND COUNTY OF SAN FRANCISCO, BY AND
3 THROUGH ITS PORT COMMISSION, AND PEOPLE OF THE STATE OF CALIFORNIA
4 (“the City”) and Defendant, EXXON MOBIL OIL CORPORATION (“Exxon Mobil”)
5 participated in a pre-mediation conference call with the Court appointed mediator, Mr. Steven
6 Weissman, on Tuesday, February 10, 2009. The parties discussed the status of the case and in
7 particular the impact of the February 9, 2009 hearing on F. Alioto Company’s (“F. Alioto”)
8 Motion to Intervene. At oral argument on the F. Alioto motion, the Court advised that the motion
9 to intervene could not be granted as it stands, and provided F. Alioto thirty (30) days to either (i)
10 withdraw its claims against the City and join the action as a plaintiff, which would result in a
11 grant of the motion to intervene; or (ii) decline to withdraw those claims, in which case the Court
12 would deny that motion. The Court also stated that should a state court action involving all three
13 parties commence, this Court would dismiss the present action. Because the parties to this case
14 and the scope and forum of the claims at issue will be impacted by F. Alioto’s election, the City
15 and Exxon Mobil agree that the mediation of this case should be continued until after the
16 expiration of the thirty (30) day period.

17 During the call with Mr. Weissman, the City and Exxon Mobil agreed to seek to postpone
18 scheduling the mediation date until the uncertainty of the parties to and forum of the litigation has
19 been resolved. The expiration of the thirty (30) day period for F. Alioto’s election will run on
20 Wednesday, March 11, 2009.¹ However, the current deadline by which the court-ordered
21 mediation must be completed is March 20, 2009.

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27 ¹ The City and Exxon Mobil have scheduled a second conference call with Mr. Weissman for March 13, 2009, at
28 9:30 a.m. to discuss the case status and scheduling of the mediation. However, should Alioto make its election prior
to the March 11, 2009 filing deadline, the parties have agreed to conduct the conference call at an earlier date.

1 In light of the above, the parties hereby stipulate to and respectfully request the Court
2 grant an extension of the March 20, 2009 mediation deadline to May 1, 2009.

3 SO STIPULATED.

4
5 Dated: February 12, 2009

DENNIS J. HERRERA
City Attorney
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Chief Trial Deputy
DONALD P. MARGOLIS
ELAINE M. O'NEIL
Deputy City Attorneys

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9
10 BY /s/ Donald P. Margolis
11 DONALD P. MARGOLIS

12 Attorneys for Plaintiffs
13 CITY AND COUNTY OF SAN
14 FRANCISCO, BY AND THROUGH ITS
15 PORT COMMISSION, AND THE PEOPLE
16 OF THE STATE OF CALIFORNIA

17
18 Dated: February 12, 2009

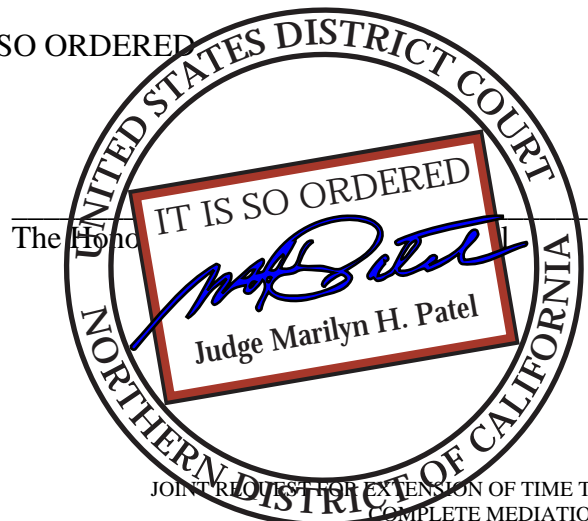
MORGAN, LEWIS & BOCKIUS LLP

19 BY /s/ Anne H. Lee
20 ANNE H. LEE

21 Attorneys For Defendant
22 EXXON MOBIL OIL CORPORATION

23 PURSUANT TO STIPULATION, IT IS SO ORDERED

24 March 19
25 Dated: ~~February~~ March, 2009



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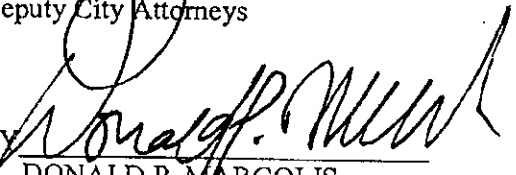
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SO STIPULATED.

Dated: February 12 2009

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Deputy City Attorneys

BY 
DONALD P. MARGOLIS

Attorneys for Plaintiffs
CITY AND COUNTY OF SAN
FRANCISCO, BY AND THROUGH ITS
PORT COMMISSION, AND THE PEOPLE
OF THE STATE OF CALIFORNIA

Dated: February 12, 2009

MORGAN, LEWIS & BOCKIUS LLP

BY 
ANNE H. LEE

Attorneys For Defendant
EXXON MOBIL OIL CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February __, 2009

The Honorable Judge Marilyn H. Patel