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

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 15 EXXON MOBIL OIL CORPORATION

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

19 CITY AND COUNTY OF SAN
 20 FRANCISCO, BY AND THROUGH ITS
 PORT COMMISSION, AND PEOPLE
 21 OF THE STATE OF CALIFORNIA,

22 Plaintiffs,

23 vs.

24 EXXONMOBIL OIL CORPORATION, a
 corporation, and Does 1-100,

25 Defendants.

Case No. C-08-03490 EMC

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

Currently Scheduled Conf.: Feb. 17,
 2012

Proposed Continued Conf.: March 16,
 2012

26
 27 Plaintiffs City and County of San Francisco, by and through its Port Commission, and People
 28 of the State of California ("Port") and defendant Exxon Mobil Oil Corporation ("ExxonMobil")

1 request an order continuing the case management conference from February 17 to March 16, 2012, to
2 allow for the completion of settlement discussions.

3 **RECITALS**

4 A. The parties have previously requested and obtained from this Court a stay of litigation,
5 and several extensions of that stay, along with continuances of case management conferences, to
6 enable them to carry out an agreement reached at a Court-ordered mediation in April 2009. Under the
7 agreement, the parties worked collaboratively on environmental investigation measures to address the
8 conditions at the property located at 440 Jefferson Street (the "Site"), which is the subject of this
9 litigation. ExxonMobil then performed an environmental remediation at the Site, and monitoring of
10 the impact of that remediation is now taking place.

11 B. In parallel litigation pending in the San Francisco County Superior Court, plaintiff F.
12 Alioto Company ("F. Alioto"), a tenant of the Port's adjacent to the Site, has sued both the Port and
13 ExxonMobil. In that action, entitled *F. Alioto Company, Inc. v. City and County of San Francisco, et*
14 *al.*, bearing number CGC-09-489792 ("the State Court Action"), F. Alioto seeks damages for, among
15 things, the presence of contaminants at and about the Site.

16 C. The State Court Action is set for trial on April 16, 2012. The parties have scheduled a
17 mediation for March 1, 2012. If the mediation results in a settlement, it will also likely result in a
18 settlement of the present action.

19 D. Donald P. Margolis, attorney of record for the Port, has a long-planned vacation
20 scheduled for the week of February 11 through 18, 2012, which will render him unavailable in any
21 event to attend a case management conference on February 17.

22 **DECLARATION OF DONALD P. MARGOLIS**

23 1. I am a deputy city attorney with the San Francisco City Attorney's Office, counsel for
24 plaintiffs City and County of San and the People of the State of California ("the Port"). I have
25 personal knowledge of the facts set forth in this declaration, based on my role as attorney of record
26 for the Port at all phases of this litigation.

27 2. Each of the facts recited above is true and correct.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is true
2 and correct, and that I executed this declaration on January 31, 2012, at San Francisco, California.

3 /s/ Donald P. Margolis
4 DONALD P. MARGOLIS

5 **STIPULATION**

6 Based upon the facts recited above, the parties stipulate to entry of an order continuing the
7 case management conference from February 17 to **March 16, 2012, at 9:00 a.m.** The parties further
8 stipulate to entry of an order extending the deadline for submittal of a joint case management
9 statement to one week before the newly scheduled case management conference.

10 **SO STIPULATED.**

11 Dated: January 31, 2012

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy

12 BY /s/ Donald P. Margolis
13 DONALD P. MARGOLIS

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

19 Dated: January 31, 2012

MORGAN, LEWIS & BOCKIUS LLP

20 BY /s/ Michael Molland
21 MICHAEL MOLLAND

22 Attorneys For Defendant
23 EXXON MOBIL OIL CORPORATION

Pursuant to General Order 45, §X.B., the filer of
this document attests that he has received the
concurrence of this signatory to file this document.

24 **ORDER**

25 Pursuant to the parties' stipulation, the further case management conference currently
26 scheduled for February 17, 2012 is continued to March 16, 2012, at 9:00 a.m. The parties shall file a
27 joint case management by March 9, 2012.

28 Dated: 2/1/12

The Honorable Edward Chen
United States District Court

