

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  
 ELAINE M. O'NEIL, State Bar#142234  
 4 Deputy City Attorneys  
 Fox Plaza  
 5 1390 Market Street, 6<sup>th</sup> Floor  
 San Francisco, California 94102-5408  
 6 Telephone: (415) 554-3853  
 Facsimile: (415) 554-3837  
 7 E-Mail: don.margolis@sfgov.org

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

11 MICHAEL MOLLAND, State Bar No. 111830  
 MORGAN, LEWIS & BOCKIUS LLP  
 12 One Market, Spear Street Tower  
 San Francisco, California 94105-1126  
 13 Tel: (415) 442-1000; Fax: (415) 442-1001  
 dpittman@morganlewis.com

14 Attorney for Defendant  
 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.: March 16,  
 2012

Proposed Continued Conf.: April 27,  
 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 March 16, 2012 to April 27, 2012,  
2 to allow for the completion of settlement discussions or trial of a parallel case in San Francisco  
3 County Superior Court that may moot the present action.

#### 4 **RECITALS**

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

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

17 C. The State Court Action is set for trial on April 16, 2012. The parties participated in a  
18 mediation on March 1, 2012. Although they did not settle the case on that day, efforts and  
19 communications continue, and within relatively short order, in advance of the April 16 trial date, the  
20 parties will have either settled the case or exhausted their efforts, without success, to settle the case.  
21 At this moment, the outcome is uncertain.

22 D. The parties to this action agree that until the status of the State Court Action is better  
23 defined, it remains premature to schedule pretrial and trial dates in the present action. The parties  
24 also expect, however, that by April 27, which is two weeks after the scheduled commencement of the  
25 State Court Action, the parties will be in a far better position to discuss the appropriate management  
26 of the present action. Accordingly, the parties request an order continuing the case management  
27 conference to April 27, 2012, or to a later date that better suits the calendaring needs of this Court.  
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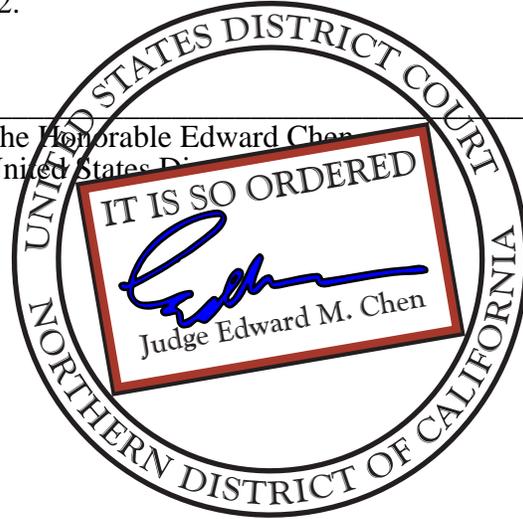


**ORDER**

Pursuant to the parties' stipulation, the further case management conference currently scheduled for March 16, 2012, at 9:00 a.m. is continued to April 27, 2012, at 9:00 a.m. The parties shall file a joint case management by April 20, 2012.

Dated: 3/13/12

The Honorable Edward Chen  
United States District Court



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