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

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 15 EXXON MOBIL OIL CORPORATION

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA

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

21 Plaintiffs,

22 vs.

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

25 Defendants.

Case No. C-08-03490 EMC

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

Currently Scheduled Conf.: April 27, 2012

Proposed Continued Conf.: May 25, 2012

1 Plaintiffs City and County of San Francisco, by and through its Port Commission, and People  
2 of the State of California ("Port") and defendant Exxon Mobil Oil Corporation ("ExxonMobil")  
3 request an order continuing the case management conference from April 27, 2012 to May 25, 2012, to  
4 allow for the completion of papers documenting the settlement of a parallel case in San Francisco  
5 County Superior Court which, once finally settled, may moot the present action.

#### 6 **RECITALS**

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

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

19 C. On March 28, 2012, the parties to the State Court Action entered into a Stipulation for  
20 Settlement of that action. The parties have since exchanged drafts of a formal settlement agreement,  
21 and continue to discuss and attempt to reach agreement on the form of the release of liability in that  
22 agreement.

23 D. The parties to this action agree that once a final settlement agreement is signed in the  
24 State Court Action, and that action is dismissed with prejudice, the present action will be dismissed.  
25 The parties expect that within the next 30 days they should complete their efforts to negotiate and  
26 sign the final settlement agreement, and that in the meantime, considerations of judicial economy  
27 counsel postponing the case management conference in the present action. Accordingly, the parties  
28 request an order continuing the case management conference to May 25, 2012, or to a later date that



1 Dated: April 24, 2012

MORGAN, LEWIS & BOCKIUS LLP

2 BY           /s/ Michael Molland            
MICHAEL MOLLAND

3 Attorneys For Defendant  
4 EXXON MOBIL OIL CORPORATION

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

7 **ORDER**

8 Pursuant to the parties' stipulation, the further case management conference currently  
9 scheduled for April 27, 2012, at 9:00 a.m. is continued to May 25, 2012, at 9:00 a.m. The parties  
shall file a joint case management statement by May 18, 2012.

10 4/24/12

11 Dated: \_\_\_\_\_

The Honorable Edward Chen  
United States District Judge

