City and County of San Francisco, by and through it's Portnia v. ExxonMobil Oil Corporation	

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9	BY AND THROUGH ITS PORT COMMISSION, AND PEOPLE OF THE STATE OF CALIFORNIA				
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16	UNITED STATES DISTRICT COURT				
17	NORTHERN DISTRICT OF CALIFORNIA				
18	CITY AND COUNTY OF SAN	Case No. C-08-03490 E	MC		
19 20	FRANCISCO, BY AND THROUGH ITS PORT COMMISSION, AND PEOPLE OF THE STATE OF CALIFORNIA,	STIPULATION AND ORDER CONTINUIN	[PROPOSED] G CASE		
21	Plaintiffs,	MANAGEMENT CONFERENCE			
22	VS.	Currently Scheduled Co	nf.: April 27, 2012		
23	EXXONMOBIL OIL CORPORATION, a	Proposed Continued Co	nf.: May 25, 2012		
24	corporation, and Does 1-100,				
25	Defendants.				
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	Stip and Proposed Order Continuing CMC CCSF v. ExxonMobil, USDC No. C 08-03490-EMC	1	n:\port\li2008\080696\00769340.doc		
			Dockets.Ju		

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

RECITALS

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

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

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

D. The parties to this action agree that once a final settlement agreement is signed in the State Court Action, and that action is dismissed with prejudice, the present action will be dismissed. The parties expect that within the next 30 days they should complete their efforts to negotiate and sign the final settlement agreement, and that in the meantime, considerations of judicial economy counsel postponing the case management conference in the present action. Accordingly, the parties request an order continuing the case management conference to May 25, 2012, or to a later date that Stip and Proposed Order Continuing CMC 2 n:\port\li2008\080696\00769340.doc CCSF v. ExxonMobil, USDC No. C 08-03490-EMC

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better suits the calendaring needs of this Court.

3	DECLARATION OF DONALD P. MARGOLIS				
4	1. I am a deputy city attorney with the San Francisco City Attorney's Office, counsel for				
5	plaintiffs City and County of San and the People of the State of California ("the Port"). I have				
6	personal knowledge of the facts set forth in this declaration, based on my role as attorney of record				
7	for the Port at all phases of this litigation.				
8	2. Each of the facts recited above is true and correct.				
9	I declare under penalty of perjury under the laws of the United States that the foregoing is tru				
0	and correct, and that I executed this declaration on April 24, 2012, at San Francisco, California. /s/ Donald P. Margolis DONALD P. MARGOLIS				
2	STIPULATION				
3	Based upon the facts recited above, the parties stipulate to entry of an order continuing the				
4	case management conference from April 17, 2012 to May 25, 2012, at 9:00 a.m. The parties further				
5	stipulate to entry of an order extending the deadline for submittal of a joint case management				
6	stipulate to entry of an order extending the deadline for submittar of a joint case management statement to one week before the newly scheduled case management conference.				
7	SO STIPULATED.				
8	Dated: April 24, 2012 DENNIS J. HERRERA				
9	City Attorney JOANNE HOEPER				
0	Chief Trial Deputy				
1	BY/s/_Donald P. Margolis				
2	DONALD P. MARGOLIS				
3	Attorneys for Plaintiffs CITY AND COUNTY OF SAN				
4	FRANCISCO, BY AND THROUGH ITS PORT COMMISSION, AND THE PEOPLE				
5	OF THE STATE OF CALIFORNIA				
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1	Dated: April 24, 2012 MORGAN, LEWIS & BOCKIUS LLP			
2	BY <u>/s/ Michael Molland</u> MICHAEL MOLLAND			
3	Attorneys For Defendant EXXON MOBIL OIL CORPORATION			
4	Pursuant to General Order 45, §X.B., the filer of this document attests that he has received the			
5	concurrence of this signatory to file this document.			
6	ORDER			
7	Pursuant to the parties' stipulation, the further case management conference currently			
8	scheduled for April 27, 2012, at 9:00 a.m. is continued to May 25, 2012, at 9:00 a.m. The parties			
9	shall file a joint case management statement by May 18, 2012.			
10	4/24/12			
11	Dated: Ehe Honorable Edward Chen			
12	IT IS SO ORDERED			
13	Z Judge Edward M. Chen			
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