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16 UNITED STATES DISTRICT COURT  
 17  
 18 NORTHERN DISTRICT OF CALIFORNIA

<p>20 SAN FRANCISCO BAYKEEPER, a non-profit          corporation,          21 Plaintiff,          22 v.          23 TOWN OF HILLSBOROUGH, a municipal          24 corporation;          25 Defendant.</p>	<p>Civil Case No.: C 08-03760-BZ          Hon. Bernard Zimmerman          STIPULATED REQUEST TO EXTEND          PRETRIAL AND TRIAL DATES; <del>PROPOSED</del>          ORDER</p>
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1 Plaintiff San Francisco Baykeeper (“Baykeeper”) and Town of Hillsborough (“Hillsborough”)  
2 (collectively “the Parties”), by and through their counsel of record, hereby stipulate as follows:

3 WHEREAS, on 6 August 2008, this Court entered its Order Setting Initial Case Management  
4 Conference and ADR Deadlines (“Initial Case Management Order”) (ECF Docket No. 3) in this action.

5 WHEREAS, on 15 October 2008, by Stipulation the Parties agreed to extend the dates set forth  
6 in the Case Management Order (“Stipulation to Extend Initial Case Management Dates”) (ECF Docket  
7 No. 12).

8 WHEREAS, on 16 October 2008, the Court approved the Parties’ Stipulation to Extend Initial  
9 Case Management Dates (ECF Docket No. 14);

10 WHEREAS, on 13 January 2009, this Court entered its Scheduling and Case Management Order  
11 setting the Pretrial and Trial Schedule (“Scheduling Order”) (ECF Docket No. 32) in this action;

12 WHEREAS, the Court’s Scheduling Order set the pre-trial and trial dates as follows: (1) Last day  
13 to add parties: 31 March 2009; (2) Last day to amend pleadings: 1 June 2009; (3) Fact discovery cut off:  
14 13 July 2009; (4) (5) Initial Expert Disclosures Due: 14 September 2009; (6) Rebuttal Expert Reports  
15 Due: 16 November 2009; (7) Expert discovery cut off: 18 December 2009; (8) Last day for hearing  
16 dispositive motions: 17 February 2010; Final Pre-trial conference: 13 April 2010, 4:00 p.m.; Jury Trial:  
17 3 May 2010;

18 WHEREAS, on 12 February 2009, this Court entered its Notice of Settlement Conference and  
19 Settlement Conference Order, which set the Settlement Conference for 3 September 2009, 9:30 a.m.,  
20 and set 24 August 2009 as the deadline for delivering to Magistrate Judge Elizabeth D. Laporte a  
21 Confidential Settlement Conference Statement;

22 WHEREAS, the Parties are currently engaged in intensive settlement discussions in this action;

23 WHEREAS, the Parties have exchanged and discussed several draft settlement  
24 Agreement and have conducted two in-person and numerous telephonic meetings with the participation  
25 of engineering and other consultants in early 2009;

26 WHEREAS, the Parties intend to conduct an in-person meeting on 10 June 2009 with the  
27 participation of the Mayor of Hillsborough and a member of the City Council, in a final effort to settle  
28 this action without litigation;

1 WHEREAS, an extension of pretrial and trial dates will allow the Parties to conduct this final  
2 settlement meeting;

3 WHEREAS, counsel for the Parties have conferred and agreed to file this stipulation and  
4 proposed order requesting an extension of dates for the pretrial schedule and for trial, should settlement  
5 not be reached;

6 NOW THEREFORE, the Parties stipulate to the following revised pretrial and trial schedule that  
7 the Parties request the Court to approve:

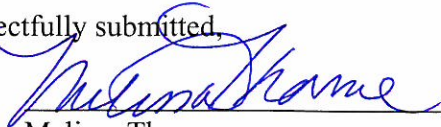
8 Last day to amend pleadings:	3 August 2009
9 Fact discovery cut off:	16 October 2009
10 Confidential Settlement Conference Statement due:	23 October 2009
11 Settlement Conference:	3 November 2009
12 Initial Expert Disclosures Due:	13 November 2009
13 Rebuttal Expert Reports Due:	15 January 2009
14 Expert discovery cut off:	18 February 2009
15 Last day for hearing dispositive motions:	21 April 2010
16 Final Pre-trial conference date:	15 June 2010, 4:00 p.m.
17 Trial date:	5 July 2010

18  
19 Dated: May 20, 2009

Respectfully submitted,

20 By: \_\_\_\_\_  
21 Daniel Cooper  
22 LAWYERS FOR CLEAN WATER, INC.  
23 Attorneys for Plaintiffs  
SAN FRANCISCO BAYKEEPER

24 Dated: May 20, 2009

25 Respectfully submitted,  
26   
27 By: \_\_\_\_\_  
28 Melissa Thorne  
DOWNEY BRAND LLP  
Attorneys for Defendant  
TOWN OF HILLSBOROUGH

1  
2 **[PROPOSED] ORDER**

3 After consideration of the Parties' Stipulated Request to Extend Pretrial and Trial Dates, and for  
4 good cause appearing:

5 PURSUANT TO STIPULATION, IT IS SO ORDERED that the Court adopts the following  
6 revised pretrial and trial schedule:

7  
8 Last day to amend pleadings: 3 August 2009  
9 Fact discovery cut off: 16 October 2009  
10 Confidential Settlement Conference Statement due: ~~23 October 2009~~  
11 Settlement Conference: ~~3 November 2009~~  
12 Initial Expert Disclosures Due: 13 November 2009  
13 Rebuttal Expert Reports Due: ~~15 January 2009~~ January 15, 2010  
14 Expert discovery cut off: ~~18 February 2009~~ February 18, 2010  
15 Last day for hearing dispositive motions: ~~21 April 2010~~ March 31, 2010  
16 Final Pre-trial conference date: ~~15 June 2010, 4:00 p.m.~~ May 11, 2010 @ 4:00 p.m.  
17 Trial date: ~~5 July 2010~~ May 24, 2010

18 **Any changes in the settlement conference dates must be sought from Judge Laporte.**

19  
20 Dated: May 22, 2009

