

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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4
5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

8 BRADLEY MINING COMPANY,
9 et al.,

10 Defendants.

NO. C08-3968 TEH

ORDER REGARDING
MATTERS RAISED AT
FEBRUARY 1, 2010 CASE
MANAGEMENT CONFERENCE

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12 This matter came on for Case Management Conference (“CMC”) on Monday,
13 February 1, 2010, at 1:30pm. Loren Remsberg appeared by telephone, and Robert Mullaney,
14 Rochelle Russell, and Larry Bradfish appeared in person, on behalf of Plaintiff the United
15 States of America (“Plaintiff”). Jon Wactor and Michael Roberts appeared in person on
16 behalf of Defendants Bradley Mining Company (“Bradley Mining”) and Frederick Bradley,
17 as Trustee of the Worthen Bradley Family Trust (“Bradley Trust”) (collectively
18 “Defendants”).

19 After the Court expressed concern with what appeared to be unusual delay in this
20 litigation, the parties explained that the delay was due in part to issues related to the Elem
21 Tribe, a non-party whose interests could be substantially affected by the outcome of this
22 action. The parties and the Elem Tribe reached a settlement in principle in March 2009,
23 which provided for the transfer of real property from the Bradley Trust to the Elem Tribe.
24 However, the presence of hazardous substances on the property and other issues have
25 complicated the land transfer. Plaintiff continues to negotiate with the Elem Tribe regarding
26 the land transfer and the settlement of its claims.


27 In an attempt to move beyond the present stalemate, the Court hereby enters the
28 following orders:

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1. Unless the transfer of land from Defendant Bradley Trust to the Elem Tribe is fully completed within 90 days from the date of this Order, Plaintiff shall file, no later than May 24, 2010, a motion to join the Elem Tribe as a necessary party. The motion shall be noticed for hearing on June 28, 2010. Unless the parties stipulate to the contrary, the local rules of this Court shall control the dates for filing responses and replies.
2. This Order is without prejudice to the filing by Defendants of a motion to enforce an agreement, or any other relief they deem appropriate.
3. The parties are reminded that this matter has been scheduled for further CMC on Monday, May 3, 2010, at 1:30pm. A joint case management statement shall be filed at least seven calendar days prior to the conference.

IT IS SO ORDERED.

Dated: 02/04/10



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT