

1 IGNACIA S. MORENO
Assistant Attorney General
2 Environment and Natural Resources Division
U.S. Department of Justice

3
4 ROCHELLE L. RUSSELL (Cal. Bar No. 244992)
ROBERT D. MULLANEY (Cal. Bar No. 116441)
Trial Attorneys
5 Environment and Natural Resources Division
U.S. Department of Justice
6 301 Howard Street, Suite 1050
San Francisco, CA 94105
7 Tel: (415) 744-6566 (Ms. Russell)
Tel: (415) 744-6491 (Mr. Mullaney)
8 Fax: (415) 744-6476
9 Email: rochelle.russell@usdoj.gov
Email: robert.mullaney@usdoj.gov

10 Attorneys for Plaintiff and Counter-Defendant United States of America

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
BRADLEY MINING COMPANY,)
et al.,)
)
Defendants.)

Case No. 3:08-CV-03968 TEH

**STIPULATION TO EXTEND ANSWER
DEADLINE**

AND
~~PROPOSED~~ ORDER THEREON

1 WHEREAS, on August 19, 2008, Plaintiff United States of America ("United States"), on
2 behalf of the United States Environmental Protection Agency, filed the complaint in the
3 above-captioned matter against Defendants Bradley Mining et al., seeking, among others,
4 recovery of unreimbursed costs incurred and to be incurred by it, together with interest, for
5 activities undertaken in response to the release or threatened release of hazardous substances at
6 the Sulphur Bank Mercury Mine Superfund Site pursuant to Section 107(a) of the
7 Comprehensive Environmental Response, Compensation, and Liability Act of 1980
8 ("CERCLA"), 42 U.S.C. § 9607(a);

9 WHEREAS, on November 18, 2008, Defendants filed an amended answer to the
10 complaint, including counterclaims against the United States;

11 WHEREAS, at the parties' request, the Court stayed this action on November 17, 2008,
12 to allow the parties to participate in mediation, and such order has been modified by the Court's
13 Order of February 4, 2010, as explained below;

14 WHEREAS, pursuant to stipulation, the United States' time for filing a response to
15 Defendants' counterclaims has been extended several times to allow for settlement discussions;

16 WHEREAS, the United States' response to Defendants' counterclaims is currently due on
17 April 2, 2010;

18 WHEREAS, on February 1, 2010, the Court held a Case Management Conference, in
19 which the parties expressed their continued interest in resolving this case and the related action,
20 United States v. Bradley Mining Company, 08-CV-05501 TEH, through settlement;

21 WHEREAS, on February 4, 2010, the Court, in response to the matters raised at the Case
22 Management Conference, issued an Order that, among other things, required the United States to
23 join the Elem Tribe as a necessary party unless certain settlement issues are reconciled within 90
24 days and set a further Case Management Conference for May 3, 2010, Dkt. 45;

25 WHEREAS, the parties seek to continue their efforts at resolving the complex settlement
26 matters noted in the Court's February 4, 2010 Order before the continued May 3, 2010 Case
27 Management Conference, and agree that a further extension of the United States' deadline for
28 filing a response to Defendants' counterclaims is therefore warranted;

1 NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through
2 their undersigned counsel, hereby stipulate that the United States shall file its response to
3 Defendants' counterclaims on or before May 28, 2010.

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5 Dated: March 22, 2010

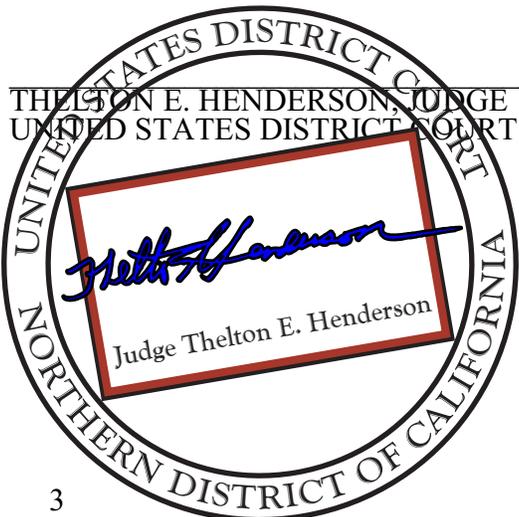
/s/ Rochelle L. Russell
ROCHELLE L. RUSSELL
ROBERT D. MULLANEY
Trial Attorneys
Environment and Natural Resources Division
U.S. Department of Justice
301 Howard Street, Suite 1050
San Francisco, California 94105
Tel: (415) 744-6566 (Ms. Russell)
Tel: (415) 744-6491 (Mr. Mullaney)
Fax: (415) 744-6476
Email: rochelle.russell@usdoj.gov
Email: robert.mullaney@usdoj.gov
*Attorneys for Plaintiff and Counter-Defendant
United States of America*

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13 Dated: March 22, 2010

/s/ Jon K. Wactor
JON K. WACTOR
Wactor & Wick LLP
180 Grand Avenue, Suite 950
Oakland, California 94612
Tel: (510) 465-5750
Fax: (510) 465-5697
Email: JonWactor@ww-envlaw.com
*Attorneys for Defendants Bradley Mining
Company and Frederick Bradley, as Trustee of the
Worthen Bradley Family Trust*

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20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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22 Dated: 03/24/10

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THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT