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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, )  
14 Plaintiff, )  
15 v. )  
16 BRADLEY MINING COMPANY, )  
et al., )  
17 Defendants. )  
18

Case No. 3:08-CV-03968 TEH

JOINT STATUS REPORT,  
STIPULATION, AND  
~~PROPOSED~~ ORDER

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1 On January 4, 2010, Plaintiff United States and Defendants Bradley Mining Company  
2 (“Bradley Mining”) and Frederick Bradley, as Trustee of the Worthen Bradley Family Trust  
3 (“Bradley Trust”), filed separate status reports with the Court. Docket Nos. 40, 41. In its  
4 January 2010 status report, the United States had described four open issues it was negotiating  
5 with Defendants: the extent of land transfers from the Bradley Trust to the Elem Tribe and  
6 United States, the terms of the release provided by the United States to the Defendants, the  
7 division of insurance proceeds between the United States and Bradley Mining, and the division  
8 of Bradley Mining’s annual net income between the United States and Bradley Mining. Docket  
9 No. 40 at 4. On April 26, 2010, the parties filed a joint stipulation and proposed order with the  
10 Court, stating that the parties had come to agreement but not yet finalized the general terms of a  
11 settlement. Docket No. 58 at 2. Pursuant to the stipulation, this Court entered an Order staying  
12 proceedings until the Initial Case Management Conference and requiring the parties to provide a  
13 joint report on case status, prospects of settlement, and case management scheduling by July 6,  
14 2010. Docket No. 59 at 4. The parties hereby submit this report in response to the Court’s  
15 Order.

16 In the past two months, the parties have drafted and exchanged settlement documents to  
17 reflect the specific requirements of disbursement of insurance proceeds, division of annual  
18 income, land transfers, and covenants associated with the proposed settlement agreement. The  
19 parties have significantly narrowed their differences on these issues and continue to make  
20 substantial progress toward reaching a final agreement among the United States, the Defendants,  
21 and the Elem Tribe. The parties have also agreed to a scheduled meeting in mid-July at the  
22 Sulphur Bank Site to finalize proposed lot-line adjustments for one parcel.

23 As provided in the proposed Order below, the parties jointly stipulate and request the  
24 Court to: (1) stay all proceedings in this matter, with the exception of any further mediation-  
25 related proceedings, until the continued Initial Case Management Conference; and (2) continue  
26 the Initial Case Management Conference until November 1, 2010, so that the parties may  
27 conclude settlement negotiations regarding the terms of a proposed consent decree. The parties  
28 propose to report to the Court by October 4, 2010, regarding case status, prospects of settlement,

1 and case management scheduling, if needed.

2 IT IS SO STIPULATED.

3 I attest that concurrence in the filing of this Joint Status Report, Stipulation, and  
4 [proposed] Order has been obtained from Mr. Jon K. Wactor, the attorney for Defendants  
5 Bradley Mining Company and Frederick Bradley, Trustee for the Worthen Bradley Family Trust.

6 Dated: July 1, 2010

/s/ Robert D. Mullaney

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16 Dated: July 1, 2010

/s/ Jon K. Wactor

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21 Tel: (510) 465-5750  
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23 Attorneys for Defendants Bradley Mining  
24 Company and Frederick Bradley, as Trustee of the  
25 Worthen Bradley Family Trust

26 ~~PROPOSED~~ ORDER

27 GOOD CAUSE APPEARING, IT IS ORDERED that:

- 28 (1) all proceedings in this matter, with the exception of any further mediation-related  
proceedings, shall be stayed until the continued Initial Case Management Conference;
- (2) the Initial Case Management Conference, which is currently set for 1:30 p.m. on August  
2, 2010, shall be continued until 1:30 p.m. on November 1, 2010, or a date thereafter that  
is set by the Court;
- (3) the United States' response to the counterclaims is not due until January 3, 2011, 60 days  
after the continued Initial Case Management Conference;
- (4) Bradley Trust's motion for summary judgment, currently scheduled for hearing on

1 August 30, 2010, shall be continued until 10 a.m. on November 29, 2010; and  
2 (5) the parties shall provide a joint report to the Court on case status, prospects of settlement,  
3 and case management scheduling, if needed, by October 4, 2010.

4 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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6 Dated: 07/02/10

