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9 Attorneys for Plaintiff United States of America

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 July 2, 2010, the parties filed a joint status report, stipulation, and proposed order  
2 with the Court, stating that the parties had not yet finalized the terms of a settlement but that an  
3 exchange of settlement documents had significantly narrowed the differences between the  
4 parties. Docket No. 60 at 2. Pursuant to the stipulation, this Court entered an Order staying  
5 proceedings until the Initial Case Management Conference and requiring the parties to provide a  
6 joint report on case status, prospects of settlement, and case management scheduling by October  
7 4, 2010. Docket No. 61 at 3-4. The parties hereby submit this report in response to the Court's  
8 Order.

9 The proposed settlement encompasses disbursement of insurance proceeds, division of  
10 annual income, land transfer, and covenants associated with the proposed settlement agreement.  
11 In order to finalize their proposed agreement regarding land transfer, representatives of the  
12 United States and the Settling Defendants held a meeting in mid-July at the Sulphur Bank Site to  
13 agree on specific lot-line adjustments for one parcel. The United States is now working with a  
14 surveyor to prepare a legal description for the lot-line adjustments that were agreed upon by the  
15 United States and the Settling Defendants. The United States is also working with officials in  
16 Lake County, California, to ensure that the parties meet the County's requirements for the lot-  
17 line adjustments. As issues have arisen related to the transfer of land pursuant to the parties'  
18 proposed agreement, the draft settlement documents have required additional modifications and  
19 refinements. In addition, the parties have also drafted and exchanged settlement documents to  
20 reflect the specific requirements of the proposed settlement relating to insurance proceeds,  
21 division of annual income, and covenants. The parties continue to make substantial progress  
22 toward reaching a final agreement among the United States, the Settling Defendants, and the  
23 Elem Tribe.

24 As provided in the proposed Order below, the parties jointly stipulate and request the  
25 Court to: (1) stay all proceedings in this matter, with the exception of any further mediation-  
26 related proceedings, until the continued Initial Case Management Conference; and (2) continue  
27 the Initial Case Management Conference until February 7, 2011, so that the parties may conclude  
28 settlement negotiations regarding the terms of a proposed consent decree. The parties propose to

1 report to the Court by January 7, 2011, regarding case status, prospects of settlement, and case  
2 management scheduling, if needed.

3 IT IS SO STIPULATED.

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

7 Dated: October 4, 2010

/s/ Robert D. Mullaney

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13 Dated: October 4, 2010

/s/ Jon K. Wactor

14 Jon K. Wactor  
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16 180 Grand Avenue, Suite 950  
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18 Tel: (510) 465-5750  
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20 Attorneys for Defendants Bradley Mining  
21 Company and Frederick Bradley, as Trustee of the  
22 Worthen Bradley Family Trust

20 **~~PROPOSED~~ ORDER**

21 GOOD CAUSE APPEARING, IT IS ORDERED that:

- 22 (1) all proceedings in this matter, with the exception of any further mediation-related  
23 proceedings, shall be stayed until the continued Initial Case Management Conference;  
24 (2) the Initial Case Management Conference, which is currently set for 1:30 p.m. on  
25 November 1, 2010, shall be continued until 1:30 p.m. on February 7, 2011. ~~or a date~~  
26 ~~thereafter that is set by the Court;~~  
27 (3) the United States' response to the counterclaims is not due until April 8, 2011. ~~or 60 days~~  
28 ~~after the date set by the Court for the continued Initial Case Management Conference;~~

- 1 (4) Bradley Trust's motion for summary judgment, currently scheduled for hearing on  
2 November 29, 2010, shall be continued until 10 a.m. on March 7, 2011; and  
3 (5) the parties shall provide a joint report to the Court on case status, prospects of settlement,  
4 and case management scheduling, if needed, by January 7, 2011.

5 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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7 Dated: 10/08/10

