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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 October 4, 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 regarding
3 land transfer but that the parties continued to make substantial progress. Docket No. 63 at 2.
4 Pursuant to the stipulation, this Court entered an Order staying proceedings until the Initial Case
5 Management Conference and requiring the parties to provide a joint report on case status,
6 prospects of settlement, and case management scheduling by January 7, 2011. Docket No. 64 at
7 4. The parties hereby submit this report in response to the Court's Order.

8 The proposed settlement encompasses disbursement of insurance proceeds, division of
9 annual income, land transfer, and covenants associated with the proposed settlement agreement.
10 The United States is working with the Defendants and a surveyor to apply to Lake County,
11 California, for lot-line adjustments at the Sulphur Bank Site in advance of the proposed transfer
12 under the draft settlement agreement of certain properties held by the Defendants. The United
13 States is also conferring with Lake County officials to ensure that the parties meet the County's
14 requirements for the lot-line adjustments. Reflecting the preparatory work done at the Sulphur
15 Bank Site, the parties continued to negotiate and to exchange draft settlement documents
16 regarding the specific requirements of the proposed settlement relating to insurance proceeds,
17 division of annual income, and covenants. In addition, the parties are working toward an
18 agreement concerning land use issues at the Stibnite Mine Site. The parties continue to make
19 progress toward reaching a final agreement among the United States, the Settling Defendants,
20 and the Elem Tribe.

21 As provided in the proposed Order below, the parties jointly stipulate and request the
22 Court to: (1) stay all proceedings in this matter, with the exception of any further mediation-
23 related proceedings, until the continued Initial Case Management Conference; and (2) continue
24 the Initial Case Management Conference until May 9, 2011, so that the parties may conclude
25 settlement negotiations regarding the terms of a proposed consent decree. The parties propose to
26 report to the Court by April 8, 2011, regarding case status, prospects of settlement, and case
27 management scheduling, if needed.
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1 IT IS SO STIPULATED.

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

5 Dated: January 6, 2011

/s/ Robert D. Mullaney

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15 Dated: January 6, 2011

/s/ Jon K. Wactor

16 Jon K. Wactor
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20 Tel: (510) 465-5750
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22 Attorneys for Defendants Bradley Mining
23 Company and Frederick Bradley, as Trustee of the
24 Worthen Bradley Family Trust

25 **~~PROPOSED~~ ORDER**

26 GOOD CAUSE APPEARING, IT IS ORDERED that:

- 27 (1) all proceedings in this matter, with the exception of any further mediation-related
28 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
February 7, 2011, shall be continued until May 9, 2011, at 1:30 p.m., or a date thereafter
that is set by the Court;
- (3) the United States' response to the counterclaims is not due until July 8, 2011, or 60 days
after the date set by the Court for the continued Initial Case Management Conference;
- (4) Bradley Trust's motion for summary judgment, currently scheduled for hearing on March
7, 2011, shall be continued until 10 a.m. on June 13, 2011; and

1 (5) the parties shall provide a joint report to the Court on case status, prospects of settlement,
2 and case management scheduling, if needed, by April 8, 2011.

3 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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5 Dated: 01/07/2011

