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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 January 6, 2011, the parties filed a joint status report, stipulation, and proposed order
2 with the Court, stating that the parties continued to make substantial progress toward a reaching
3 a final agreement but had not yet finalized the terms of a settlement. Docket No. 65 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 April 8, 2011. Docket No. 66 at 4.
7 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, covenants, the scope of releases, and deed notice provisions for the
10 Stibnite Mine site. On March 21, 2011, counsel for Bradley Mining and Bradley Trust requested
11 a meeting between his clients and the person at the Environmental Protection Agency ("EPA")
12 Region 9 who would be responsible for approving the settlement. The meeting was requested to
13 discuss unresolved settlement terms that have remained points of contention between the parties
14 since an exchange of settlement documents in February 2011. As the United States explained to
15 Bradley's counsel on March 23, Jane Diamond, the Director of the Superfund Division, has the
16 authority and responsibility to approve any settlement for EPA Region 9. However, she would
17 not be back in the office until after April 8, 2011, the filing deadline for this joint status report.
18 On April 7, the parties agreed that Defendants will meet with Ms. Diamond on April 28, 2011.

19 Pursuant to the Court's Order, all proceedings in this matter, with the exception of any
20 further mediation-related proceedings, are stayed until the Initial Case Management Conference,
21 which is currently set for 1:30 p.m. on May 9, 2011. Docket No. 66 at 3. At this point, the
22 parties are seeking to discuss and resolve the remaining issues between them, and a meeting
23 among the decision makers is scheduled to take place on April 28. Under these circumstances,
24 the parties would like to request from the Court an additional stay of litigation and a continuance
25 of the Initial Case Management Conference and other deadlines.

26 IT IS SO STIPULATED.

27 I attest that concurrence in the filing of this Joint Status Report, Stipulation, and
28 [proposed] Order has been obtained from Mr. Jon K. Wactor, the attorney for Defendants

1 Bradley Mining Company and Frederick Bradley, Trustee for the Worthen Bradley Family Trust.

2 Dated: April 8, 2011

/s/ Robert D. Mullaney

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8 Dated: April 8, 2011

/s/ Jon K. Wactor

9 Jon K. Wactor
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13 Tel: (510) 465-5750
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15 Attorneys for Defendants Bradley Mining
16 Company and Frederick Bradley, as Trustee of the
17 Worthen Bradley Family Trust

15 **~~PROPOSED~~ ORDER**

16 GOOD CAUSE APPEARING, IT IS ORDERED that:

- 17 (1) all proceedings in this matter, with the exception of any further mediation-related
18 proceedings, shall be stayed until the continued Initial Case Management Conference;
- 19 (2) the Initial Case Management Conference, which is currently set for May 9, 2011, at 1:30
20 p.m., shall be continued until September 12, 2011, at 1:30 p.m., or a date thereafter that is
21 set by the Court;
- 22 (3) the United States' response to the counterclaims is not due until November 14, 2011, or
23 60 days after the date set by the Court for the continued Initial Case Management
24 Conference;
- 25 (4) Bradley Trust's motion for summary judgment, currently scheduled for hearing at 10 a.m.
26 on June 13, 2011, shall be continued until 10 a.m. on March 12, 2012, or six months after
27 the date set by the Court for the continued Initial Case Management Conference; and
- 28 (5) the parties shall provide a joint report to the Court on case status, prospects of settlement,

1 and case management scheduling, if needed, by August 5, 2011.

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3 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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5 Dated: 04/11/2011

