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 7 WINZLER & KELLY

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 KFD ENTERPRISES, INC., a California
 Corporation dba Norman's Dry Cleaner,
 12 Plaintiff,
 13 vs.
 14 CITY OF EUREKA, et al.
 15 Defendant.

Case No.: 3:08-cv-04571-MMC

**STIPULATION AND PROPOSED ORDER
 FOR THIRD PARTY DEFENDANT
 WINZLER & KELLY FILING A
 RESPONSE TO THE CITY OF EUREKA'S
 THIRD AMENDED COUNTERCLAIM
 AND CROSSCLAIM**

AND ORDER APPROVING STIPULATION

17 AND RELATED COUNTERCLAIMS AND
 18 THIRD PARTY CLAIMS.

19
 20 Third-Party Defendant Winzler & Kelly ("Winzler & Kelly") and Third Party Plaintiff, The
 21 City of Eureka ("Eureka") hereby stipulate as follows:

22 Whereas both Winzler & Kelly and defendant Environmental Resolutions, Inc. ("ERI") have
 23 similar interests in this litigation to the extent that both are alleged to have installed monitoring wells
 24 that have contributed to the environmental conditions at the 2907 E Street Property ("Property"),
 25 which is the subject of this litigation;

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I, Peter C. Lyon, am the user whose identification and password are being used to file this stipulation. I hereby attest that Charles Bolcom, the other signatory below, has concurred in the filing of this document.

/s/ Peter C. Lyon
PETER C. LYON

DATED: June 3, 2010

DAVIDOVITZ & BENNETT LLP

By: /s/ Charles Bolcom
MORIS DAVISOVITZ
CHARLES BOLCOM

Attorneys for Third Party Plaintiff
THE CITY OF EUREKA

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: JUNE 10, 2010


MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE