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5 Attorneys for Defendant and Cross-Defendant
 CITY OF EUREKA
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8 **IN THE UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
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11 KFD ENTERPRISES, INC., a California Corporation dba Norman's Dry Cleaner,
 12 Plaintiff,
 13 v.
 14 CITY OF EUREKA,
 15 Defendant.
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 17 _____
 18 CITY OF EUREKA,
 19 Counter-Claimant and Third-Party Plaintiff)
 20 vs.)
 21 KFD ENTERPRISES, INC., a California Corporation dba Norman's Dry Cleaner,
 22 Unocal Corporation,)
 23 Cross-Defendant and Third Party)
 24 Defendant)
 25 _____)

CASE NO. CV-08-4571 MMC
 STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE HEARING ON DEFENDANT ENVIRONMENTAL RESOLUTION INC.'S MOTION TO DISMISS AND STRIKE [CIVIL C.R. 7-12]

25 1. Pursuant to Civil L.R. 7-12, Third-Party Defendant and Cross-Defendant
 26 Environmental Resolutions, Inc. and Defendant, Cross-Defendant, and Counter Defendant City
 27 of Eureka, Defendants, Cross-Defendants Unocal and Union Oil, Defendant and Cross-
 28 Defendant Winzler & Kelly and Plaintiff KFD Enterprises Inc., hereby stipulate as follows:



1 2. Whereas Environmental Resolutions, Inc. has filed a Motion to Dismiss and
2 Strike Claims, which was scheduled to be heard on July 16, 2010;

3 3. Whereas the City of Eureka has requested additional time to respond to ERI's
4 Motion to Dismiss and Strike Claims and ERI is amenable to that request;

5 4. Whereas counsel Defendants and Cross-Defendants Unocal Corporation and
6 Union Oil, counsel for Defendant and Cross-Defendant Winzler & Kelly, counsel for Plaintiff
7 KFD Enterprises Inc. have all agreed to extending the time for hearing on ERI's motion;

8 5. The hearing on ERI's motion is continued to Friday, July 23, 2010 at 9 a.m.
9 with the briefing schedule moved accordingly.

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11 DATED: June 15, 2010

DAVIDOVITZ & BENNETT LLP

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13 By: /s/ Charles H. Bolcom

MORIS DAVIDOVITZ

Attorneys for CITY OF EUREKA

(The filer hereby attests that concurrence in the filing of this document has been obtained from the signatories below.)

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15
16 DATED: June 15, 2010

GORDON & REES LLP

17
18 By: /s/ George A. Acero

GEORGE A. ACERO

Attorneys for Environmental Resolutions,
Inc.

19
20 DATED: June 15, 2010

SEVERSON & WERSON

21
22
23 By: /s/ Peter C. Lyon

PETER C. LYON

Attorneys for Winzler & Kelly

24
25 DATED: June 15, 2010

GREBEN & ASSOCIATES

26
27 By: /s/ Jan A. Greben


Jan A. Greben

Attorneys for Plaintiff KFD Enterprises,
Inc.

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June 16, 2010


MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE