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 CITY OF EUREKA
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8 **IN THE UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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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 18 CITY OF EUREKA,
 19 Counter-Claimant and Third-Party Plaintiff)
 20 vs.)
 21 KFD ENTERPRISES, INC., a California Corporation dba Normans Dry Cleaner,
 22 Unocal Corporation,)
 23 Cross-Defendant and Third Party)
 24 Defendant)
 25 _____)

CASE NO. CV-08-4571 MMC
 STIPULATION AND ~~PROPOSED~~ ORDER FOR EXTENDING TIME FOR REBUTTAL EXPERT REPORTS [Fed. R. Civ. Proc. 26(a)(2)(D)(ii)], [CIVIL L.R. 6-2(a)(b), 7-12]

26 Pursuant to Civil Local Rules 6-2(a), 6-2(b) and 7-12 and Fed. R. Civ. Proc. 26(a)(2)(D)(ii),
 27 Plaintiff KFD Enterprises, Inc., Cross-Defendant Kenneth Daer, Defendant, Cross-Claimant,
 28 Counter-Claimant and Cross-Defendant City of Eureka, Defendant, Cross-Defendant and Cross-



1 Claimant Winzler & Kelly, Defendants and Cross-Defendants Union Oil Company of California,
2 Unocal Corporation and Chevron Corporation, Defendant, Cross-Defendant and Cross-Claimant
3 Environmental Resolutions, Inc./Cardno USA and Defendants and Cross-Defendants Multimatic
4 LLC and the Kirrberg Corporation hereby stipulate as follows:

5 Whereas the Court's Pretrial Preparation Order adopted on January 24, 2012 (Doc. No.
6 499) set a deadline of September 7, 2012 to rebut any party's August 20, 2012 expert witness
7 disclosure and expert written report;

8 Whereas Fed. R. Civ. Proc. 26(a)(2)(D)(ii) allows for up to 30 days to rebut another party's
9 expert report;

10 Whereas the Court's Pretrial Preparation Order adopted on January 24, 2012 (Doc. No.
11 499) set a deadline of October 26, 2012 to complete expert discovery;

12 Whereas the parties have set a mediation on October 4, 2012;

13 Whereas the parties have disclosed a total of nine experts, which has resulted in numerous,
14 multi-page expert reports that include hundreds of references, multiple exhibits, numerous tables,
15 attachments and figures, pursuant to Fed. R. Civ. Proc. 26(a)(2)(B)(i)-(iv);

16 Whereas many of the reports present complex technical analysis based on advanced
17 scientific principles in various environmental disciplines including, but not limited to, geology,
18 hydrogeology, civil engineering, and sanitary engineering;

19 Whereas the parties feel more time is needed to prepare rebuttal reports given the number
20 and complexity of the initial expert reports;

21 Whereas the parties have agreed to hold off on expert depositions until after the October
22 4, 2012 mediation in order to reduce costs (in the event the case settles at the mediation);

23 Whereas the parties do not feel expert discovery can be completed between October 5, 2012
24 and October 26, 2012 given the number of experts that have been disclosed, the possibility that
25 further supplemental experts will be disclosed, and the scheduling issues that typically arise when
26 so many parties are involved;

27 Whereas, pursuant to L.R. 6-2(a)(2), there have been eight time modifications in the case;
28 none of which have relaxed the disclosure of experts or expert reports;

1 DATED: August 31, 2012

GLYNN & FINLEY

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By: /s/ Andrew Mortl
ANDREW MORTL
Attorneys for Defendants and Cross-
Defendants UNION OIL CO. OF
CALIFORNIA, UNOCAL CORP. AND
CHEVRON CORP.

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DATED: August 31, 2012

SEVERSON & WERSON

By: /s/ Peter Lyon
PETER LYON
Attorneys for Defendant Cross-Defendant
and Cross-Claimant WINZLER & KELLY

DATED: August 31, 2012

DONGELL LAWRENCE FINNEY LLP

By: /s/ Tom Vandenburg
TOM VANDENBURG
Attorneys for Defendants and Cross-
Defendants MULTIMATIC LLC and THE
KIRRBURG CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED, provided that the extension of the
above-referenced deadlines does not, by itself, constitute good cause for the extension of any
other deadline.

DATED: September 5, 2012


MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE