

1 John J. Verber, CASB# 139917  
 Eric R. Haas, CASB# 073947  
 2 Jack W. Schwartz Jr., CASB #124506  
 BURNHAM BROWN  
 3 A Professional Law Corporation  
 P.O. Box 119  
 4 Oakland, California 94604  
 ---  
 5 1901 Harrison Street, 14th Floor  
 Oakland, California 94612  
 6 Telephone: (510) 444-6800  
 Facsimile: (510) 835-6666  
 7 Email: jverber@burnhambrown.com

8 Attorneys for Plaintiff and Counter-Defendant  
 STEVENSON ENTERPRISES, a California general  
 9 partnership

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

13 STEVENSON ENTERPRISES, a California  
 general partnership  
 14  
 Plaintiff,  
 15  
 v.  
 16 ENRIQUETA MENDOZA; ESTATE OF  
 17 DAVID Z. MENDOZA; HAK CHON LEE;  
 JEUM SOON LEE; HYSL, Inc., a California  
 18 corporation; and YONG W. LEE,  
 19 Defendants.

No. C 08-4845 EMC

**JOINT CASE MANAGEMENT  
 CONFERENCE STATEMENT AND  
 [PROPOSED] ORDER**

Date: January 31, 2013  
 Time: 9:00 a.m.  
 Courtroom: 5 [17<sup>th</sup> Floor]  
 Judge Edward M. Chen

20 AND RELATED CROSS-CLAIMS AND  
 21 COUNTER-CLAIMS

23 Plaintiff STEVENSON ENTERPRISES (“*Plaintiff*” or “*STEVENSON*”), and defendant  
 24 cross-claimant and counter claimant HAK CHON LEE (“*HAK LEE*”) jointly submit this Joint  
 25 Case Management Conference Statement for the Case Management Conference scheduled for  
 26 January 31, 2013.

27 There are two substantive matters that need to be completed prior to this case resuming

1 an active litigation stance. These matters are:

- 2 (1) Plaintiff must obtain a low impact site closure from the Alameda County Water  
3 District (“ACWD”) so that Plaintiff will be able to complete the quantification of  
4 its damages; and
- 5 (2) Plaintiff must locate possible David Mendoza insurance policies in order to be  
6 able to serve its First Amended Complaint on the insurance carrier(s) pursuant to  
7 California Probate Code §§550, *et seq.*

8 With respect to low impact site closure, the ACWD has recently required Plaintiff to  
9 undertake additional testing. Plaintiff has completed additional sampling under the concrete slab  
10 and is in the process of obtaining air samples. Upon completion of the sampling, Plaintiff will  
11 seek ACWD approval for the low impact site closure. There is no present estimate as to when  
12 this process will be completed. Upon receipt of the low impact site closure, Plaintiff’s clean up  
13 expenses will be liquidated and Plaintiff will be in a position to undertake a prove up hearing.

14 With respect to possible David Mendoza insurance policies, Plaintiff has reviewed the  
15 documents produced by Enriqueta Mendoza pursuant to the parties’ Settlement Agreement and  
16 continues its investigation.

17 Based thereon, the parties agree that this matter should be held in abeyance to allow  
18 Plaintiff to complete the matters discussed above.

19 Plaintiff and Hak Lee therefore request that the Case Management Conference currently  
20 scheduled for January 31st be continued to May 23, 2013 or another day convenient to the

21 ///  
22 ///  
23 ///

24  
25  
26  
27  
28

1 Court. Should Plaintiff be in a position to move the litigation forward prior to that date, Plaintiff  
2 will so advise the Court and Hak Lee.

3 DATED: January 24, 2013

BURNHAM BROWN

4  
5 By: /s/ Jack W. Schwartz  
6 JACK W. SCHWARTZ JR.  
7 Attorneys for Plaintiff STEVENSON  
ENTERPRISES

8 DATED: January 24, 2013

/s/ Brian H. Lee  
9 BRIAN H. LEE  
10 Attorney for Defendant HAK CHON LEE

11 **CERTIFICATION**

12 I, Jack W. Schwartz Jr., hereby attest, pursuant to N.D. Cal General Order No. 45, that  
13 the concurrence to the filing of this document has been obtained from counsel for HAK CHON  
14 LEE.

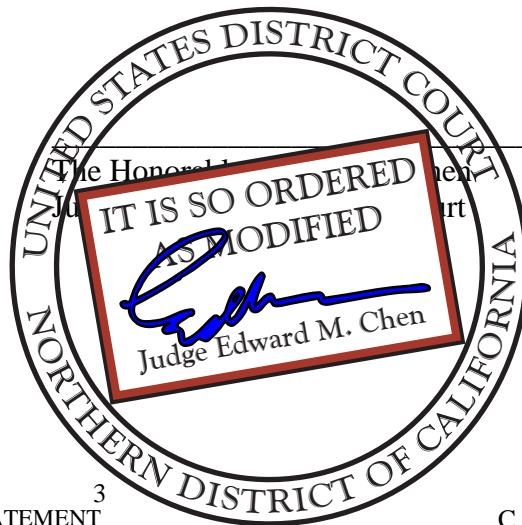
15 /s/ Jack W. Schwartz, Jr.  
16 Jack W. Schwartz Jr.

17 **ORDER**

18 The Case Management Conference currently scheduled for January 31, 2013 is continued  
19 until May 23, 2013 at 10:30 a.m. The parties are to file a Joint Case Management  
20 Conference Statement on or before May 16, 2013. The parties are to appear \_\_\_\_\_  
21 telephonically / \_\_\_\_\_ in person.

22 IT IS SO ORDERED

23 Dated: January 24, 2013



24  
25  
26  
27 4812-6523-2402, v. 1