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 11 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)
 14 Plaintiff,)
 15 v.)
 16 BRADLEY MINING COMPANY,)
 17 Defendant.)

Case No. 3:08-CV-05501 TEH

JOINT STATUS REPORT,
 STIPULATION, AND
~~PROPOSED~~ ORDER

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1 On January 4, 2010, Plaintiff United States and Defendant Bradley Mining Company
2 (“Bradley Mining”) filed separate status reports with the Court. Docket Nos. 24, 25. In its
3 January 2010 status report, the United States described four open issues it was negotiating with
4 Defendants in this and the related case, United States v. Bradley Mining Co. et al, No. 3:08-cv-
5 03968 (TEH): the extent of land transfers from the Bradley Trust to the Elem Tribe and United
6 States, the terms of the release provided by the United States to the Defendants, the division of
7 insurance proceeds between the United States and Bradley Mining, and the division of Bradley
8 Mining’s annual net income between the United States and Bradley Mining. Docket No. 24 at 4.
9 On April 26, 2010, the parties filed a joint stipulation and proposed order with the Court, stating
10 that the parties had come to agreement but not yet finalized the general terms of a settlement.
11 Docket No. 36 at 2. Pursuant to the stipulation, this Court entered an Order staying proceedings
12 until the Initial Case Management Conference and requiring the parties to provide a joint report
13 on case status, prospects of settlement, and case management scheduling by July 6, 2010.
14 Docket No. 37 at 4. The parties hereby submit this report in response to the Court’s Order.

15 In the past two months, the parties have drafted and exchanged settlement documents to
16 reflect the specific requirements of disbursement of insurance proceeds, division of annual
17 income, land transfers, and covenants associated with the proposed settlement agreement. The
18 parties have significantly narrowed their differences on these issues and continue to make
19 substantial progress toward reaching a final agreement among the United States, the Defendants,
20 and the Elem Tribe. The parties have also agreed to a scheduled meeting in mid-July at the
21 Sulphur Bank Site to finalize proposed lot-line adjustments for one parcel.

22 As provided in the proposed Order below, the parties jointly stipulate and request the
23 Court to: (1) stay all proceedings in this matter, with the exception of any further mediation-
24 related proceedings, until the continued Initial Case Management Conference; and (2) continue
25 the Initial Case Management Conference until November 1, 2010, so that the parties may
26 conclude settlement negotiations regarding the terms of a proposed consent decree. The parties
27 propose to report to the Court by October 4, 2010, regarding case status, prospects of settlement,
28 and case management scheduling, if needed.

1 IT IS SO STIPULATED.

2 I attest that concurrence in the filing of this Joint Status Report, Stipulation, and
3 [proposed] Order has been obtained from Mr. Jon K. Wactor, the attorney for Defendant Bradley
4 Mining Company.

5 Dated: July 2, 2010

/s/ Loren Remsberg

6 Loren Remsberg
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15 Dated: July 2, 2010

/s/ Jon K. Wactor

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22 Attorneys for Defendants Bradley Mining
23 Company and Frederick Bradley, as Trustee of the
24 Worthen Bradley Family Trust

25 ~~PROPOSED~~ ORDER

26 GOOD CAUSE APPEARING, IT IS ORDERED that:

- 27 (1) all proceedings in this matter, with the exception of any further mediation-related
28 proceedings, shall be stayed until the continued Initial Case Management Conference;
- (2) the Initial Case Management Conference, which is currently set for 1:30 p.m. on August
2, 2010, shall be continued until 1:30 p.m. on November 1, 2010, or a date thereafter that
is set by the Court;
- (3) the United States' response to the counterclaims is not due until January 3, 2011, 60 days
after the continued Initial Case Management Conference;
- (4) Bradley Trust's motion for summary judgment, currently scheduled for hearing on
August 30, 2010, shall be continued until 10 a.m. on November 29, 2010; and

1 (5) the parties shall provide a joint report to the Court on case status, prospects of settlement,
2 and case management scheduling, if needed, by October 4, 2010.

3 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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5 Dated: 07/02/10

6 THELTON E. HENDERSON, JUDGE
7 UNITED STATES DISTRICT COURT

