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 15 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

16 ECOLOGICAL RIGHTS FOUNDATION,
 17
 Plaintiff,

Civil No. 3:10-CV-00121-RS

18 v.

19 PACIFIC GAS AND ELECTRIC COMPANY.
 20 Defendant.

STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING CASE
 MANAGEMENT SCHEDULE

1 In accord with the Court's directive at the October 6, 2011 case management conference and
2 Civil Minute Order (Oct. 6, 2011) (Docket Doc. No. 176), Ecological Rights Foundation ("ERF")
3 and Pacific Gas & Electric Company ("PG&E") stipulate to and jointly propose the following case
4 management schedule for managing the next phases of litigation (which shall be limited to
5 adjudicating liability and remedy for the four PG&E facilities located at: (a) 24300 Clawiter Road,
6 Hayward, California; (b) 4801 Oakport Street, Oakland, California; (c) 2555 Myrtle Avenue,
7 Eureka, California; and (d) 1099 West 14th Street, Eureka, California ("the Facilities")):

8 --October 27, 2011: Cross motions for summary judgment on standing due.

9 --November 10, 2011: Oppositions to cross motions for summary judgment on standing due.

10 --November 25, 2011: Replies in support of cross motions for summary judgment on
11 standing due.

12 --December 8, 2011, 10 A.M.: Hearing on cross motions for summary judgment on standing.

13 --January 19, 2012: Deadline for ERF to provide Rule 26 expert disclosures (including
14 expert reports) from any experts that it will use to support its motion for summary judgment
15 concerning liability for ERF's Clean Water Act ("CWA") claims.

16 --February 16, 2012: Deadline for PG&E to provide Rule 26 expert disclosures (including
17 expert reports and rebuttal expert reports) from any experts that it will use to support its cross
18 motion for summary judgment concerning liability for ERF's CWA claims.

19 --March 8, 2012: Deadline for ERF to provide Rule 26 expert disclosures (including expert
20 reports) from any rebuttal experts that it will use to respond to PG&E's CWA liability experts.

21 --April 26, 2012: Cutoff to complete discovery concerning any expert disclosures of experts
22 or personnel who assisted the parties' CWA experts or were relied upon by these experts (including
23 but not limited to people who assisted in gathering or analyzing samples or provided information to
24 the experts concerning whether storm water runoff from the Facilities reaches waters of the United
25 States).

26 --June 14, 2012: Cross motions for summary judgment on liability related to ERF's CWA
27 claims due.

28 --July 26, 2012: Oppositions to cross motions for summary judgment on liability related to

1 ERF's CWA claims and evidentiary motions related to cross motions for summary judgment on
2 liability related to ERF's CWA claims due.

3 August 16, 2012: Replies in support of cross motions for summary judgment on liability
4 related to ERF's CWA claims and oppositions to evidentiary motions related to cross motions for
5 summary judgment on liability related to ERF's CWA claims due.

6 September 6, 2012: Replies in support of evidentiary motions related to cross motions for
7 summary judgment on liability related to ERF's CWA claims due.

8 --September 20, 2012, 10 A.M.: hearing on cross motions for summary judgment on
9 liability related to ERF's CWA claims.

10 For a subsequent case schedule on ERF's Resource Conservation and Recovery Act
11 ("RCRA") claim and on remedy, the parties jointly propose a schedule tied to the Court's issuance
12 of a ruling on the parties cross motions for summary judgment on liability related to ERF's CWA
13 claims ("CWA Claims Ruling") as follows:

14 --10 weeks after the CWA Claims Ruling: Deadline for ERF to provide Rule 26 expert
15 disclosures (including expert reports) from any experts that it will use to support its motion for
16 summary judgment or trial claims concerning ERF's RCRA claim and remedy for the RCRA and
17 CWA claims ("Remaining Claims").

18 --16 weeks after the CWA Claims Ruling: Deadline for PG&E to provide Rule 26 expert
19 disclosures (including expert reports and rebuttal expert reports) from any experts that it will use to
20 support its cross motion for summary judgment or trial claims concerning the Remaining Claims.

21 --20 weeks after the CWA Claims Ruling: Deadline for ERF to provide Rule 26 expert
22 disclosures (including expert reports) from any rebuttal experts that it will use to respond to
23 PG&E's Remaining Claims experts.

24 --30 weeks after the CWA Claims Ruling: Cutoff to complete discovery concerning any
25 expert disclosures or experts or personnel who assisted the parties' related to the Remaining Claims
26 or were relied upon by these experts.

27 --39 weeks after the CWA Claims Ruling: Cross motions for summary judgment on the
28 Remaining Claims due.

1 --45 weeks after the CWA Claims Ruling: Oppositions to cross motions for summary
2 judgment on the Remaining Claims and evidentiary motions related to cross motions for summary
3 judgment on the Remaining Claims due.

4 --49 weeks after the CWA Claims Ruling: Replies in support of cross motions for summary
5 judgment on the Remaining Claims and oppositions to evidentiary motions related to cross motions
6 for summary judgment on the Remaining Claims due.

7 --52 weeks after the CWA Claims Ruling: replies in support of evidentiary motions related
8 to cross motions for summary judgment on the Remaining Claims due.

9 --55 weeks after the CWA Claims Ruling, 10 A.M.: hearing on cross motions for summary
10 judgment on the Remaining Claims.

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12 Dated: October 12, 2011

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/s/ Bradley S. Rochlen

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PROPOSED ORDER

Having considered the foregoing Stipulation, and good cause appearing, the Court hereby GRANTS the Stipulation and orders that the case shall proceed on the above-referenced schedule.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/13, 2011



RICHARD SEEBORG
United States District Judge

