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7 Attorneys for Defendant Joseph B. Iffla,
8 Performex Machining Co., & Performex Machining, Inc.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 GREENMARC, LLC, et al.

12 Plaintiffs,

13 v.

14 JOSEPH B. IFFLA, ET AL., et al.;

15 Defendants.

Case No.: C 12-6490 WHO

**STIPULATION RE: EXTENSION OF
TIME FOR RESPONSE TO
COMPLAINT AND OTHER PRE-
CMC DEADLINES**

16 The undersigned parties ("Parties"), by and through their attorneys, hereby stipulate
17 as follows:

18 1. The Parties submit this proposed Stipulation in lieu of an additional Joint Case
19 Management Statement as required by the Reassignment Order and Order Requiring
20 Submission of Case Management Statement;

21 2. The Parties, in addition to their meet and confer obligations, have engaged in
22 informal settlement discussions and document exchange. A technical report documenting
23 assessment of environmental conditions and remedy alternatives with regard to the subject
24 property at 1007 and 1011 Bransten Road in San Carlos, California has been circulated by
25 Plaintiff and has provided the foundation for further settlement discussions, cost allocation,
26 and formulation of a case discovery plan. In addition, the Parties have agreed to an early
27 neutral evaluation through the District Court's ADR program and are awaiting the selection
28 of an evaluator that has not conflicts with any of the Parties hereto. As reported previously

1 in the last Stipulation, the Parties are in the process of soliciting communication with the San
2 Mateo County Health Department in which Plaintiff has been voluntarily participating in
3 monitoring activities to determine whether the County will require further remediation and if
4 so, in what form it may take. Plaintiff has contacted Mr. Marc Mullaney of the San Mateo
5 County Health Department and was told that this file is on his list but he had ten (10) other
6 files/projects ahead of ours which will cause delay. Thus, the Parties are waiting on Mr.
7 Mullaney's availability in order to meet and confer and this is a necessary element in
8 furthering settlement opportunities for the collective Parties hereto.

9 The Parties are actively continuing to evaluate and discuss their settlement options
10 and in the interest of judicial economy, the Parties agree that continuance of various case
11 deadlines are in the interests of the Parties and the Court. The Parties believe that such
12 considerations are more properly made prior to an initial case management conference
13 ("CMC").

14 3. Accordingly, the Parties agree to the following extensions of upcoming Court
15 deadlines:

16 A. A continuance of the CMC currently scheduled before The Honorable
17 William H. Orrick on October 29, 2013 at 2:00 p.m. to mid-January 2014 to early February
18 2014 or as the Court's docket may permit. This extension considers the vacation
19 schedules of all counsel;

20 B The time to answer or otherwise respond to the Complaint (ECF No.1) shall
21 be further extended from the current agreed upon date of September 25, 2013 to January 6,
22 2014;

23 C. The Parties have previously submitted and filed the Rule 26(f) Report, have
24 completed their initial disclosures, and filed their initial Case Management Statement. The
25 Parties agree to provide a joint supplemental Rule 26(f) Report and a supplemental joint Case
26 Management Report after the Parties have continued their settlement discussions and
27 ADR/ENE session and all prior to the upcoming to be scheduled CMC before Judge Orrick.
28

1 D. The Parties agree to extend the ENE deadline for completion to the week of
2 January 18, 2014. The last proposed ENE neutral, Jane Pandell, Esq. was objected to by
3 Defendant Iffla due to a conflict arising out of a prior employment relationship between Ms.
4 Pandell's Firm and counsel for Mr. Iffla. A new ENE neutral has not yet been assigned.

5 4. The terms of the Case Management Conference Order filed February 28,
6 2013 (ECF No. 10), the Stipulation filed on March 27, 2013 (ECF No. 12), the Stipulation
7 filed on May 6, 2013 (ECF No. 27), and the Stipulation filed July 19, 2013 (ECF No. 34) will
8 otherwise remain in effect.

9 **IT IS SO STIPULATED.**

10 Dated: _____

LAW OFFICES OF KARL R. MORTHOLE

11
12 _____
13 Karl R. Morthole, Attorney for PLAINTIFF

14 Dated: _____

HARRELSON & ASSOCIATES

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16 _____
17 Thomas M. Harrelson, Attorney for Defendants
18 JOSEPH B. IFFLA, individually and dba
PERFORMEX MACHINING COMPANY, and
PERFORMEX MACHINING, INC.

19 Dated: _____

BARG COFFIN LEWIS & TRAPP, LLP

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21 _____
22 Joshua A. Bloom, Attorney for Defendant
CARL R. HEINEMAN, individually

23 Dated: _____

PIERCE & SHEARER LLP

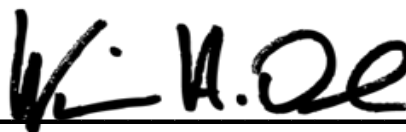
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25 _____
26 Stacy Y. North, Attorney for Defendants
27 HOFFMAN METAL PRODUCTS, INC., and
HARRY W. HOFFMAN, individually and as an
28 officer, director and owner of HOFFMAN
METAL PRODUCTS

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ORDER

In light of the parties' foregoing Stipulation, their efforts thus far and promised progress with respect to discovery and ADR issues, the Case Management Conference is continued until January 14, 2014, at 2 pm in Courtroom 2, 17th Floor, San Francisco. By that date, the ENE session shall have been completed. By January 7, 2014, the parties shall file a Joint Case Management Conference Statement detailing the discovery that has been exchanged and the status of efforts to resolve this matter, as well as a proposed case management plan for the litigation.

Dated: September 24, 2013



Hon. William H. Orrick
UNITED STATES DISTRICT JUDGE