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8 Attorneys for Trans'-Global LLC, a California
9 limited liability company

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 TRANS'-GLOBAL LLC, a California limited
13 liability company,

14 Plaintiff,

15 vs.

16 LIA DETOMASI; MARIO P. DETOMASI; LORI
17 THORNTON; JEFFREY DONATI; DANIEL
18 DONATI; MARCIA M. MELNIKOFF;
19 LAWRENCE BERTOLUCCI; LIA DETOMASI
20 as trustee of THE BERTHA A. DONATI TRUST
21 FBO MARC DONATI; LIA DETOMASI and
22 MARIO P. DETOMASI as trustees of THE
23 DETOMASI FAMILY TRUST u/a/d June 28,
24 2005; LORI THORNTON and LIA DETOMASI,
25 as trustees of THE BERTHA DONATI TRUST
26 u/a/d September 30, 1996; MARC DONATI and
27 VICKIE DONATI, as trustees of THE BERTHA
28 A. DONATI TRUST; PAUL DONATI, ELISA M.
DONATI KLUNIS and STEVE DONATI, as
trustees of THE JULIO A. DONATI FAMILY
TRUST u/a/d June 21, 2002; MARCIA M.
MELNIKOFF as trustee of the TESTAMENTARY
TRUST UNDER THE WILL OF JOSEPHINE
BERTOLUCCI; MARCIA M. MELNIKOFF and
LAWRENCE BERTOLUCCI as trustees of THE
LAWRENCE R. BERTOLUCCI REVOCABLE
LIVING TRUST dated June 6, 2007; KI MOON
HONG; MYUNG S. HONG; SEO OK OH; SOOK
OH, SUN YE OH, SUMI KIMURA, GEORGE
KIMURA and DOES 1-25, inclusive,

Defendants.

**AND ALL RELATED CROSS-CLAIMS and
COUNTER-CLAIMS**

Case No. C13-2149 WHO

**STIPULATED REQUEST FOR EARLY
CASE MANAGEMENT CONFERENCE,
VACATING ALL TRIAL AND PRE-
TRIAL DATES**

Trial Date: November 16, 2015

Honorable William H. Orrick

1 Plaintiff Trans'-Global LLC, a California limited liability company ("Plaintiff"),
2 Defendants Lia DeTomasi; Mario P. DeTomasi; Lori Thornton; Jeffrey Donati; Daniel Donati;
3 Marcia M. Melnikoff; Lawrence Bertolucci; Lia DeTomasi As Trustee Of The Bertha A. Donati
4 Trust FBO Marc Donati; Lia DeTomasi and Mario P. DeTomasi As Trustees Of The DeTomasi
5 Family Trust U/A/D June 28, 2005; Lori Thornton And Lia DeTomasi, As Trustees Of The Bertha
6 Donati Trust U/A/D September 30, 1996; Marc Donati And Vickie Donati, As Trustees Of The
7 Bertha A. Donati Trust; Paul Donati, Elisa M. Donati Klunis And Steve Donati, As Trustees Of
8 The Julio A. Donati Family Trust U/A/D June 21, 2002; Marcia M. Melnikoff As Trustee Of The
9 Testamentary Trust Under The Will Of Josephine Bertolucci; Marcia M. Melnikoff And Lawrence
10 Bertolucci As Trustees Of The Lawrence R. Bertolucci Revocable Living Trust Dated June 6,
11 2007 (hereinafter collectively referred to as the "Owner Defendants"); Ki Moon Hong; Myung S.
12 Hong; and Sumi Kimura and Cross-Defendant Thomas G. Palmer, Jr. (hereinafter collectively
13 referred to as the "Operator Defendants") (Plaintiff, Owner Defendants, and Operator Defendants
14 together, the "Parties), by and through their undersigned counsel of record, hereby submit the
15 following stipulation to request a date for a case management conference in January 2015, prior to
16 the presently scheduled February 10, 2015 conference so that the Parties can provide an update to
17 the court and request that the current trial and pre-trial dates be vacated.

18 WHEREAS, the above-captioned matter involved environmental contamination that
19 Plaintiff alleges results from the operation of a dry cleaner on Plaintiff's real property at 1053 El
20 Camino Real, South San Francisco, California. Plaintiff's complaint alleges causes of action
21 under CERCLA, among other claims.

22 WHEREAS, on June 3, 2014, the Parties appeared for a case management conference,
23 discussed the status of the case and agreed to participate in mediation. The court set a November
24 16, 2015 trial date and other associated pre-trial dates.

25 WHEREAS, the Parties initially selected a mediation date of October 8, 2014. Plaintiff
26 obtained competitive bids for the necessary soil and shallow groundwater removal, selected a
27 contractor and scheduled the work for late 2014. Prior to the October mediation date, the San
28 Mateo County Department of Environmental Health ("County"), which is overseeing Plaintiff's

1 environmental investigation and remediation, notified Plaintiff of groundwater contamination at a
2 nearby San Francisco Public Utility Commission groundwater well and requested additional
3 groundwater investigation at Plaintiff's property.

4 WHEREAS, on September 11, 2014, Plaintiff submitted to the County a Groundwater
5 Investigation Work Plan. Plaintiff scheduled the additional groundwater investigation to begin on
6 October 22, 2014, but it was delayed briefly to October 29, 2014.

7 WHEREAS, in early October 2014, the Parties requested that the court postpone the
8 October 31, 2014 mediation deadline until January 31, 2015, to give the plaintiff time to conduct
9 the scheduled groundwater investigation and determine if additional costs associated with
10 groundwater investigation and remediation will be necessary. The court granted the Parties'
11 request and set a further case management conference for February 10, 2015.

12 WHEREAS, on October 30, 2014, the day after plaintiff had begun the additional
13 groundwater investigation, the County sent a letter that requested, among other things, additional
14 sampling along the sanitary sewer lateral on Plaintiff's property and suggested the possibility that
15 deeper soil and groundwater samples would need to be collected, depending on the results of the
16 then-ongoing investigation. The County requested that its additional issues be addressed in a
17 report due by January 30, 2015.

18 WHEREAS, given the County's demand for additional investigation, Plaintiff will not be
19 able to develop an estimate of future costs prior to the January 13, 2015 mediation. Plaintiff will
20 not have an estimate of future costs, at the earliest, until it completes the additional work requested
21 in the County's October 30, 2014 letter, and depending on the results of that work, until after
22 additional necessary investigation is conducted at the site.

23 WHEREAS, the Parties agree that the most cost-effective course of action is to delay
24 mediation until Plaintiff completes the work required by the County and is in a position to more
25 accurately assess the future actions and associated costs required to obtain site closure.

26 NOW THEREFORE, the Parties request that the court set a date for case management at
27 the earliest opportunity and in advance of the presently scheduled February 10, 2015 case
28 management conference. The Parties request that the court vacate the presently scheduled trial

1 date and all pretrial dates and stay the matter for 4-6 months to allow the plaintiff to conduct
2 additional environmental investigation at the site. The Parties have agreed to submit responses to
3 recently propounded written discovery – plaintiff will submit responses and responsive documents
4 on or before January 16, 2015 and defendants will submit responses and responsive documents or
5 before January 21, 2015. The Donati and Melnikoff defendants also reserve the right to file a
6 dispositive motion during the stay and plaintiff requests that the Parties discuss and agree upon a
7 briefing schedule for any such motion.

8 IT IS SO STIPULATED.

9 DATED: December ___, 2014

WENDEL, ROSEN, BLACK & DEAN LLP

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11
12 By: _____

Greggory C. Brandt
Attorneys for Trans'-Global LLC, a California
limited liability company

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14
15 DATED: December ___, 2014

ANDERLINI & McSWEENEY LLP

16
17 By: _____

G. Chris Anderson
Attorneys for Steven Donati, Paul Donati, Elisa
Donati Kunis and Marcia Melnikoff, et al.

18
19
20 DATED: December ___, 2014

BOWLES & VERNA

21
22 By: _____

Ethan K. Friedman
Attorneys for Lia DeTomasi, Mario DeTomasi,
Lori Thornton and Daniel Donati

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DATED: December ____, 2014

SCHUERING ZIMMERMAN & DOYLE, LLP

By: _____

Keith Douglas Chidlaw
Attorneys for Sumi Kimura

DATED: December ____, 2014

HUNSUCKER GOODSTEIN PC

By: _____

Maureen Hodson
Attorney for Ki Moon Hong and Myung S. Hong

DATED: December ____, 2014

LAW OFFICES OF MICHAEL D. McLACHLAN,
APC

By: _____

Michael D. McLachlan
Attorneys for Thomas G. Palmer, Jr.

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ORDER

Based on the stipulation submitted by counsel and good cause appearing therefor:

The court will hold a further case management conference on January 13, 2015 at 2:00 p.m. to address the Parties' request to vacate the November 16, 2015 trial date and all associated pre-trial dates, to vacate the January 31, 2015 mediation deadline and to enter a 4-6 month stay of the case, with the exception of the currently outstanding written discovery. The court will also address and determine a briefing schedule for the Donati and Melnikoff parties' dispositive motion.

The further case management conference set for February 10, 2015 is vacated.

IT IS SO ORDERED.

Dated: December 15, 2014



HONORABLE WILLIAM H. ORRICK
JUDGE OF UNITED STATES DISTRICT COURT