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 11 and HAROLD K. HILFIKER

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

15 CALIFORNIANS FOR
 16 ALTERNATIVES TO TOXICS,

17 Plaintiff,

18 v.

19 HILFIKER PIPE COMPANY, et al.,

20 Defendants.

Case No. 3:16-cv-04152-JST

**STIPULATION TO EXTEND FED. R.
 CIV. P. 26(a) DOCUMENT DISCLOSURE
 AND SET SITE INSPECTION;
 [PROPOSED] ORDER**

21 Plaintiff Californians for Alternatives to Toxics and Defendants Hilfiker Pipe Co. and
 22 Harold K. Hilfiker in the above-captioned action respectfully submit this stipulation per the
 23 Court's order of December 29, 2016 (ECF No. 30).

24 **THE PARTIES STIPULATE AS FOLLOWS:**

25 The deadline for production of documents per Fed. R. Civ. Pro. 26(a) is extended to
 26 January 13, 2017. The Parties agree that the documents shall be exchanged by email (or an
 27 electronic document-sharing application like Dropbox in the event the size of the documents
 28 prohibits email exchange) in PDF format with Bates numbers using the following numbering
 convention: "PLF 000001" and "DEF 000001".

CASE No. 3:16-cv-04152-JST

1 The first site inspection will take place pursuant to Rule 34(a) of the Federal Rules of
2 Civil Procedure on January 13, 2017 from 9:00 a.m. to 2:00 p.m. (see timing details below). The
3 evidence gathered at the inspection will be admissible to the extent allowed per the Federal Rules
4 of Evidence.

5 The parties shall conduct the site inspection at Hilfiker Pipe Co. located at 3900
6 Broadway and at 902 Hilfiker Lane, Eureka, California (“Facility”).

7 Plaintiff may bring no more than four (4) people on the Facility during the inspection
8 (collectively, the “Representatives”) will be present for the inspection. Plaintiff will notify
9 Defendants of the Representatives’ names and contact information by January 10, 2017.
10 Defendants will not unreasonably deny access to the named Representatives.

11 The Representatives shall be allowed access to all areas of the facility relating to storm
12 water management. The following conditions shall apply:

- 13 a. Upon arrival, the Representatives shall report to the main office and check in with
14 Facility staff.
- 15 b. Defendants shall designate an Inspection Supervisor to accompany the
16 Representatives. The Representatives shall at all times be accompanied by the
17 Inspection Supervisor into all areas inspected regarding storm water management.
- 18 c. The Representatives shall be required to wear safety vests and hard hats (to be
19 provided by Defendants) at all times. Defendants will notify Plaintiff by January 6,
20 2017, if it is unable to provide Plaintiff’s Representatives with such equipment.

21 Plaintiff and its Representatives shall be allowed to take photographs and video of the
22 Facility, and will provide to Defendants copies of all photographs and video taken during the
23 inspection.

24 Plaintiff and its Representatives shall be allowed to take samples of any soil, water,
25 sediment, debris, materials, raw materials or finished products relevant to storm water
26 management at the Facility.

27 The inspection shall be limited to a period of four hours, with up to two breaks no longer
28 than thirty minutes each.

1 Plaintiff, Plaintiff's Representatives, and Defendants shall conduct the inspection in good
2 faith: Plaintiff shall not unreasonably seek information not related to storm water management,
3 and Defendants shall not unreasonably limit access to the Facility so long as the area to which
4 access is requested is related to storm water management at the Facility.

5 Respectfully submitted,

6
7 DATED: December 29, 2016

THE ARNOLD LAW PRACTICE

8 By: /s/ James R. Arnold

9 JAMES R. ARNOLD
10 Counsel for Defendants
11 HILFIKER PIPE COMPANY,
HAROLD K. HILFIKER, and
KERRY R. GLAVICH

12 DATED: December 29, 2016

LAW OFFICES OF ANDREW L. PACKARD

13 By: /s/ Andrew L. Packard

14 ANDREW L. PACKARD
15 Attorneys for Plaintiff
16 CALIFORNIANS FOR ALTERNATIVES
TO TOXICS

17 **ATTESTATION FOR E-FILING**

18 I hereby attest pursuant to Civil L.R. 5-1(i)(3) that I have obtained concurrence in the
19 filing of this document from the signatories prior to filing.

20 DATED: December 29, 2016

By: /s/ John A. Beard

1 **[PROPOSED] ORDER**

2 Pursuant to the Parties' stipulation, IT IS SO ORDERED. The deadline for production of
3 documents per Fed. R. Civ. Pro. 26(a) is extended to January 13, 2017 in accordance with the
4 terms set forth in the Parties' stipulation. Parties shall conduct a site inspection on January 13,
5 2017, in accordance with the terms set forth in the Parties' stipulation.

6
7 DATED: December 29, 2016

NORTHERN DISTRICT OF CALIFORNIA

8 
9 _____
10 JON S. TIGARD
11 United States District Judge