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Attorneys for Cross-Defendant ISCO INDUSTRIES, LLC

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

ISCO INDUSTRIES,	)	CASE NO. 4:06-CV-07082-CW
	)	
Plaintiff,	)	<b>JOINT CASE MANAGEMENT</b>
	)	<b>STATEMENT AND ORDER</b>
v.	)	
	)	Date: December 22, 2009
NORTH BAY CONSTRUCTION, INC., et al.,	)	
	)	
Defendants.	)	
	)	
and RELATED CROSS-ACTION.	)	

Pursuant to Civil L.R. 16-14(d), that parties to the above-entitled action certify that they met and conferred at least ten (10) days prior to the subsequent case management conference scheduled in this case and jointly submit this Case Management Statement and Proposed Order and request the Court to adopt it as a Case Management Order in this case.

DESCRIPTION OF CASE DEVELOPMENTS

1. The following progress or changes have occurred since the last case management statement filed by the parties:

Pursuant to Order of this Court signed June 18, 2009, this matter is stayed pending completion of the leachate pipeline which is the subject matter of this litigation. Repair on the pipeline is near completion and the parties anticipate that the work will be completed in the next

thirty (30) days. At that time the parties will begin assessment of damages, including expert evaluation and testing.

2. The parties are still engaged in ongoing mediation discussions with mediator Bruce Edwards.

3. The parties jointly request the Court to make the following Case Management Order:

The parties request the Court set this matter for a further case management conference for not less than ninety (90) days from now.

DATED: December \_\_, 2009

LEWIS BRISBOIS BISGAARD & SMITH LLP

By \_\_\_\_\_  
Jeffery G. Bairey  
Lorena Matei  
Attorneys for Cross-Defendant  
ISCO INDUSTRIES, LLC

DATED: December \_\_, 2009

BELL, ROSENBERG & HUGHTS LLP

By \_\_\_\_\_  
Roland Nikles  
Attorneys for Plaintiff  
ISCO INDUSTRIES, LLC

DATED: December \_\_, 2009

ABBAY, WEITZENBERG, WARREN & EMERY, P.C.

By \_\_\_\_\_  
David W. Berry  
Jennifer Millier  
Attorneys for Defendant/Cross-Complainant  
NORTH BAY CONSTRUCTION, INC.

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**CASE MANAGEMENT ORDER**

The Case Management Statement and Proposed Order is hereby adopted by the Court as a Case Management Order for the case and the parties are ordered to comply with this Order.

**The Case Management Conference is continued to April 27, 2010, at 2:00 p.m. An updated Joint Case Management Statement will be due one week prior to the conference.**

12/17/09

DATED: \_\_\_\_\_

  
UNITED STATES DISTRICT JUDGE  
Claudia M. Wilken