

1 W. BARTON WEITZENBERG, ESQ., SB# 051788
 2 DAVID W. BERRY, ESQ., SB# 180995
 3 JENNIFER M. MILLIER, ESQ., SB# 253814
 4 ABBEY, WEITZENBERG, WARREN & EMERY, P.C.
 5 100 Stony Point Road, Suite 200
 6 P.O. Box 1566
 7 Santa Rosa, CA 95402-1566
 8 Telephone: 707-542-5050
 9 Facsimile: 707-542-2589

10 Attorneys for Defendants/Cross-Complainants
 11 NORTH BAY CONSTRUCTION, INC.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 ISCO INDUSTRIES,

Case No. 4:06-CV-07082-CW

15 Plaintiff,

**STIPULATION AND ORDER
 CONTINUING CASE MANAGEMENT
 CONFERENCE**

16 v.

17 NORTH BAY CONSTRUCTION, INC., et
 18 al.,

19 Defendants.

20 _____/
 21 NORTH BAY CONSTRUCTION, INC. et
 22 al,

23 Defendants/Cross-
 24 Complainant,

25 v.

26 ISCO INDUSTRIES, LLC, a Kentucky
 27 limited liability company, and ROES 1
 28 through 50, inclusive,

Defendants.
 _____/

29 Pursuant to Civil L.R. 7-12, that parties to the above-entitled action certify that they met
 30 and conferred at least ten (10) days prior to the subsequent case management conference
 31 scheduled in this case and jointly submit this Stipulation and [Proposed] Order Continuing the
 32 Case Management Conference currently scheduled for April 27, 2010, for 90 days until July 20,
 33 2010.

ABBEY, WEITZENBERG, WARREN & EMERY, P.C.
 100 Stony Point Road, Suite 200, P.O. Box 1566, Santa Rosa, CA 95402-1566
 Telephone: (707) 542-5050 Facsimile (707) 542-2589

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. Physical repair on the pipeline is completed and the parties anticipate that final testing and approval of the pipeline will occur in the next 30 days, with leachate flowing thereafter. The parties have a further conference scheduled with the mediator on June 3, 2010, at which time we will be able to assess if damages are set.

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 Order:
The parties request the Court set this matter for a further case management conference for not less than ninety (90) days from now, on July 20, 2010.

Dated: April ____, 2010 LEWIS BRISBOIS BISGAARD & SMITH, LLP

By _____
Jeffrey G. Bairey
Lorena Matei
Attorneys for Cross-Defendant
ISCO INDUSTRIES, LLC

Dated: April ____, 2010 BELL, ROSENBERG & HUGHTS LLP

By _____
Roland Nikles
Attorneys for Plaintiff and Cross-Defendants
ISCO INDUSTRIES, LLC

Dated: April ____, 2010 ABBEY, WEITZENBERG, WARREN & EMERY

By _____
David W. Berry, Esq.
Jennifer M. Millier, Esq.
Attorneys for Defendant/Cross-Complainants
NORTH BAY CONSTRUCTION, INC.

ABBEY, WEITZENBERG, WARREN & EMERY, P.C.
100 Stony Point Road, Suite 200, P.O. Box 1566, Santa Rosa, CA 95402-1566
Telephone: (707) 542-5050 Facsimile (707) 542-2589

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Case Management Conference is continued to July 20, 2010, at 2:00 p.m. Updated Case Management Conference Statements due one week prior to conference.

[In addition the Court orders as follows:]

Dated: 4/22/2010



UNITED STATES DISTRICT COURT JUDGE
Claudia Wilken