

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 W. BARTON WEITZENBERG, ESQ., SB# 051788
DAVID W. BERRY, ESQ., SB# 180995
2 KATE MULLINS HENDERSON, ESQ., SB# 258861
ABBEY, WEITZENBERG, WARREN & EMERY, P.C.
3 100 Stony Point Road, Suite 200
P.O. Box 1566
4 Santa Rosa, CA 95402-1566
Telephone: 707-542-5050
5 Facsimile: 707-542-2589

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

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 ISCO INDUSTRIES,

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

11 Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

12 v.

13 NORTH BAY CONSTRUCTION, INC., et
al.,

14 Defendants.

15
16 NORTH BAY CONSTRUCTION, INC. et
al,

17
18 Defendants/Cross-
Complainant,

19 v.

20 ISCO INDUSTRIES, LLC, a Kentucky
limited liability company, and ROES 1
21 through 50, inclusive,

22 Defendants.
23

24 Pursuant to Civil L.R. 7-12, the parties to the above-entitled action certify that they met
25 and conferred at least ten (10) days prior to the subsequent case management conference
26 scheduled in this case and jointly submit this Stipulation and [Proposed] Order Continuing the
27 Case Management Conference currently scheduled for July 26, 2011, for approximately 90 days
28 until October 25, 2011.

ABBEY, WEITZBERG, WARREN & EMERY, P.C.
100 Steiny 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 final testing of the pipeline is not resolved.

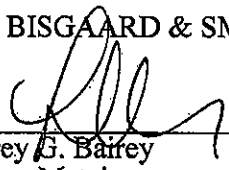
2. North Bay Construction has initiated litigation against the County of Sonoma in Sonoma County Superior Court, case number SCV-249232. The County of Sonoma filed a cross-complaint against North Bay Construction and Winzler & Kelly, the engineering firm that designed the pipeline. Winzler & Kelly has not yet filed a responsive pleading to the cross-complaint filed by the County of Sonoma. Once the case becomes at issue, parties will be able to resolve the issue of finding a joint forum to resolve all of the issues, and resolve the issue of whether to bring all parties to either mediation or arbitration.

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 October 25, 2011.

Dated: July 15, 2011

LEWIS BRISBOIS BISGAARD & SMITH, LLP

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

Dated: July , 2011

BELL, ROSENBERG & HUGHTS LLP

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

///

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 DESCRIPTION OF CASE DEVELOPMENTS

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

6 Pursuant to Order of this Court signed June 18, 2009, this matter is stayed pending
7 completion of the leachate pipeline which is the subject matter of this litigation. Physical repair
8 on the pipeline is completed and final testing of the pipeline is not resolved.

9 2. North Bay Construction has initiated litigation against the County of Sonoma in
10 Sonoma County Superior Court, case number SCV-249232. The County of Sonoma filed a
11 cross-complaint against North Bay Construction and Winzler & Kelly, the engineering firm that
12 designed the pipeline. Winzler & Kelly has not yet filed a responsive pleading to the cross-
13 complaint filed by the County of Sonoma. Once the case becomes at issue, parties will be able to
14 resolve the issue of finding a joint forum to resolve all of the issues, and resolve the issue of
15 whether to bring all parties to either mediation or arbitration.

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

17 The parties request the Court set this matter for a further case management conference for
18 not less than ninety (90) days from now, on October 25, 2011.

19 Dated: July , 2011

LEWIS BRISBOIS BISGAARD & SMITH, LLP

20
21 By _____

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

22
23
24 Dated: July , 2011

ROGERS JOSEPH O'DONNELL, P.C.
~~BELL, ROSENBERG & HUGHES LLP~~

25
26 By _____

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

27
28 ///

1 Dated: July 14, 2011

ABBEY, WEITZENBERG, WARREN & EMERY

2
3 By 

Kate Mullins Henderson, Esq.
Attorneys for Defendant/Cross-Complainants
NORTH BAY CONSTRUCTION, INC.

4
5 **SUPPLEMENTAL CASE MANAGEMENT ORDER**

6 The Stipulation to Continue the July 26, 2011, Case Management Conference is hereby
7 adopted by the Court and the parties are ordered to comply with this Order. The Case
8 Management Conference is continued to October 25, 2011, at 2:00 p.m. Updated Case
9 Management Conference Statements due one week prior to conference.

10 *[In addition the Court orders as follows:]*

11
12
13
14 Dated: 7/20/2011



UNITED STATES DISTRICT COURT JUDGE
Claudia Wilken

15
16
17
18
19
20
21
22
23
24
25
26
27
28
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