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 7 THE GOODYEAR TIRE & RUBBER  
 8 COMPANY

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 PETER E. PULIS, Surviving Trustee  
 12 of the Peter E. Pulis and Grayce H.  
 13 Yamamoto 1989 Trusts dated  
 14 September 14, 1989, GREGORY  
 15 COHN, JENNIFER COHN,  
 GIUSEPPE FAZIO, BRUNA  
 FAZIO, FRANCESCA I. FAZIO-  
 O'KANE, MARA C. FAZIO,

16 Plaintiffs,

17 v.

18 GOODYEAR TIRE & RUBBER  
 19 COMPANY, AND DOES 1-30  
 inclusive,

20 Defendant.

Case No. C 08-04138 CW

**STIPULATION FOR  
 CONTINUANCE OF CASE  
 MANAGEMENT CONFERENCE  
 AND ORDER THEREON**

Date: November 15, 2011  
 Time: 2:00 p.m.  
 Ctrm: 2

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 23 This stipulation is entered into by Plaintiffs Gregory Cohn, Jennifer Cohn,  
 24 Giuseppe Fazio, Bruna Fazio, Francesca I. Fazio-O'Kane, Mara C. Fazio  
 25 ("Plaintiffs") and Defendant The Goodyear Tire & Rubber Company ("Goodyear,"  
 26 and collectively with Plaintiffs, "the Parties"), by and through their attorneys of  
 27 record. The Parties request a continuance of the Case Management Conference,  
 28

BAKER & HOSTETLER LLP  
 ATTORNEYS AT LAW  
 LOS ANGELES

1 now scheduled for November 15, 2011, to April 3, 2012 or a date thereafter that is  
2 available on the Court's calendar.

3 This case involves claims related to the environmental investigation and  
4 clean up of commercial property in San Carlos, California that Plaintiffs own and  
5 that Goodyear formerly leased ("the Property"). In its Case Management  
6 Scheduling Order for Reassigned Civil Case dated October 18, 2010  
7 (Document 34), the Court ordered that a Management Conference be held on  
8 December 7, 2010. Due to the unavailability of Plaintiffs' counsel, the parties  
9 stipulated to a continuance of that conference (Document 36), and the Court  
10 continued the Case Management Conference to February 1, 2011, at 2:00 p.m.  
11 (Document 37). The Parties, by stipulation, have subsequently made several  
12 requests to continue the Case Management Conference, which were granted by the  
13 Court.<sup>1</sup> The basis for the prior requests and the current request to further continue  
14 the Case Management Conference is as follows:

- 15 1. At a Case Management Conference on January 29, 2009, Judge  
16 Walker ordered the Parties to participate in mediation (Document 15),  
17 which they did (Document 21);
- 18 2. Following the initial mediation session, the Parties entered into an  
19 interim agreement providing, among other things, that Goodyear  
20 would undertake further investigative work at the Property and submit  
21 the report of its findings to the agency overseeing the investigation,  
22 San Mateo County Health System, Environmental Health ("County");
- 23 3. The Parties agreed to meet and confer within fifteen (15) days  
24 following the County's response to the report to discuss scheduling a  
25 further mediation session and/or to identify whether additional work  
26 was needed prior to having further productive settlement discussions;

27 <sup>1</sup> See Documents 38 and 29 (continuance to April 26, 2011), Documents 40 and  
28 41 (continuance to August 23, 2011), and Documents 42 and 43 (continuance to  
November 15, 2011).

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4. The initial phase of work contemplated by the interim agreement was conducted in June, 2010 and a report regarding the work was submitted to the County in September, 2010, but the County did not respond until April 2011, when it issued a letter dated April 7, 2011 ("County Letter") directing that additional work be performed at the Property, including conducting four quarters of groundwater monitoring and the submission of an additional report by August 31, 2011;
5. The Parties, pursuant to the meet and confer process contemplated by the interim agreement, agreed to extend the interim agreement with respect to work required by the County Letter and contemplate engaging in further settlement efforts once certain of the work required by the County Letter has been performed;
6. In connection with the extension of the interim agreement, (a) Goodyear agreed to perform the groundwater monitoring required by the County Letter and to date has conducted two groundwater monitoring events (in June and September) and has submitted reports to the County regarding the results of those groundwater monitoring events; and (b) Goodyear's consultant made the August 31, 2011 submission required by the County Letter (a Site Conceptual Model);
7. The Parties contemplate that the August 31, 2011 submission, together with the results of the groundwater monitoring events, will be the basis for determining what additional work, if any, may be required at the Site and will define whether further settlement discussions are appropriate; and
8. The County has not yet responded to the August 31, 2011 submission and the Parties believe it would be in their best interests and in the

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interest of judicial economy to defer the Case Management Conference pending further work at the Site and a response by the County.

For the reasons set forth above, the Parties request that the Court continue the Case Management Conference to April 2, 2012 or such date thereafter that is available on the Court's calendar.

Dated: November 7, 2011

ROGERS JOSEPH O'DONNELL

By: /s/ Robert C. Goodman  
ROBERT C. GOODMAN  
Attorneys for Plaintiffs

Dated: November 7, 2011

BAKER & HOSTETLER LLP

By: /s/ Sonja A. Inglin  
SONJA A. INGLIN  
Attorneys for Defendant  
THE GOODYEAR TIRE & RUBBER  
COMPANY

**ORDER**

Based on the foregoing stipulation, the Case Management Conference set for November 15, 2011 is continued to April 4, 2012, at 2:00 p.m.

Dated: November 9, 2011

Claudia Witt  
United States District Court Judge