

SOMACH SIMMONS & DUNN
A Professional Corporation

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5 Attorneys for Defendant and Cross-Claimant
6 MOYER PRODUCTS, INC.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 MAXIM I PROPERTIES, a general
partnership,
12 Plaintiff,
13 v.
14 A.M. BUD KROHN, et al.,
15 Defendants.

CASE NO. 4:12-CV-00449 DMR

**JOINT STIPULATION AND REQUEST
FOR CONTINUANCE OF CASE
MANAGEMENT CONFERENCE AND
RELATED DEADLINES; ORDER**

16 AND RELATED CROSS-ACTIONS.

Judge: Honorable Donna M. Ryu
Action Filed: January 27, 2012

18 This Joint Stipulation and Request for Continuance of the scheduled Case Management
19 Conference is submitted on behalf of all parties remaining in this litigation as a result of ongoing
20 settlement negotiations held pursuant to ADR Local Rule 7-1, under the direction of Magistrate
21 Judge Cisneros.

22 WHEREAS, pursuant to this Court’s order of April 10, 2024 (Doc. 359) granting the
23 Order (as modified) on the Joint Stipulation and Request for Continuance of Case Management
24 Conference and Related Deadlines, the Court set a date of July 17, 2024, at 1:30 p.m. for a
25 continued Case Management Videoconference; and

26 WHEREAS, said Order (as modified) also set a deadline of July 10, 2024 for the parties to
27 file a Joint Case Management Conference Statement; and
28

1 WHEREAS, by minute order dated May 2, 2024 (Doc. 360), a telephonic status
2 conference was scheduled with Magistrate Judge Cisneros on June 20, 2024 at 1:00 p.m. for the
3 parties to provide Judge Cisneros a progress update regarding resolution of the case. The parties
4 appeared at the June 20 telephonic status conference and advised Magistrate Judge Cisneros that
5 the parties' settlement negotiations are ongoing and the parties continue to be in communication
6 with the California Department of Toxic Substances Control (DTSC) in furtherance of these
7 settlement efforts. As a result of that status conference call, Magistrate Judge Cisneros issued a
8 minute order on June 20, 2024 (Doc. 364) that no further settlement conferences will be
9 scheduled for the foreseeable future.

10 WHEREAS, in recognition of the June 20, 2024 status conference with Magistrate Judge
11 Cisneros and the ongoing communications with DTSC regarding issues critical to the settlement
12 efforts, the parties agree and request that the Case Management Conference, currently scheduled
13 for July 17, 2024, be continued for 30 - 45 days, to a date between August 16 and August 30,
14 2024, subject to the Court's availability. At a minimum, Plaintiff and defendant Moyer anticipate
15 that a revised settlement between Maxim and Moyer will by that time be introduced to the Court,
16 along with an anticipated timeline for a motion for determination of good faith settlement under
17 Code of Civil Procedure section 877.6. In the interim, the parties are continuing discussions with
18 DTSC to pursue a comprehensive settlement by all parties. The parties further agree and request
19 that the current deadline to file a joint Case Management Conference Statement be continued to a
20 date consistent with the new Case Management Conference.

21 NOW, THEREFORE, the parties hereby stipulate and jointly request that:

- 22 1. The Case Management Conference currently scheduled on July 17, 2024 be
23 continued to a date convenient for the Court between August 16 and August 30, 2024; and
- 24 2. The date for submission and filing of a joint Case Management Conference
25 Statement be continued to an appropriate date prior to the date of the continued Case
26 Management Conference.

1 DATED: July 9, 2024

SOMACH SIMMONS & DUNN
A Professional Corporation

2
3 By: /s/ Theresa C. Barfield
THERESA C. BARFIELD
Attorneys for MOYER PRODUCTS, INC.

4
5 DATED: July 9, 2024

NIXON PEABODY LLP

6 By: /s/ Theresa C. Barfield (for Gregory O'Hara)
GREGORY P. O'HARA
Attorneys for MAXIM I PROPERTIES

7
8 DATED: July 9, 2024

SCHONBUCH HALLISSY LLP

9 By: /s/ Theresa C. Barfield (for Laurie Julien)
LAURIE S. JULIEN
Attorneys for CENTRAL COATING COMPANY,
10 INC.

11
12 DATED: July 9, 2024

BURNHAM BROWN

13 By: /s/ Theresa C. Barfield (for Charles Alfonzo)
CHARLES ALFONZO
Attorneys for A.M. BUD KROHN and
14 NATIONAL AUTO RECOVERY BUREAU, INC.

15
16 DATED: July 9, 2024

SILICON VALLEY LAW GROUP

17 By: /s/ Theresa C. Barfield (for Edward Arthur Kraus)
EDWARD ARTHUR KRAUS
Attorneys for TELEWAVE, INC. and
18 THERMIONICS LABORATORY, INC.

19
20 DATED: July 9, 2024

SPENCER FANE LLP

21 By: /s/ Theresa C. Barfield (for Servando Sandoval)
SERVANDO SANDOVAL
Attorneys for SPRAYTRONICS, INC.

22
23 DATED: July 9, 2024

LEWIS BRISBOIS BISGAARD & SMITH

24 By: /s/ Theresa C. Barfield (for Robert Farrell)
GLENN FRIEDMAN
ROBERT FARRELL
Attorneys for THE SHERWIN-WILLIAMS
25 COMPANY
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DATED: July 9, 2024

BAY LAW GROUP LLP

By: /s/ Theresa C. Barfield (for Joshua Bloom)
JOSHUA A. BLOOM
Attorneys for RENESAS ELECTRONIC
AMERICA, INC.

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GENERAL ORDER 49 CERTIFICATION

I, Theresa C. Barfield, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the concurrence to the filing of this document has been obtained from each signatory hereto, with the person approving the stipulation and consenting to the signing thereof noted on each signature line.

DATED: July 9, 2024

SOMACH SIMMONS & DUNN
A Professional Corporation

By: /s/ Theresa C. Barfield
Theresa C. Barfield
Attorneys for MOYER PRODUCTS, INC.

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ORDER

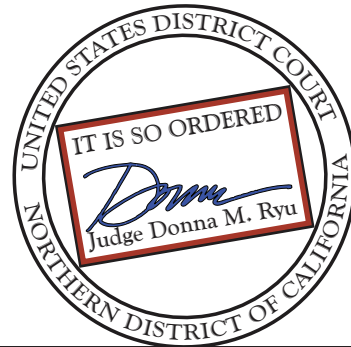
PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED THAT:

1. The Further Case Management Conference scheduled for July 17, 2024, at 1:30 p.m. is hereby continued to August 21, 2024, at 1:30 p.m. in Oakland, by videoconference only, before Chief Magistrate Judge Donna M. Ryu. All counsel and parties may access the webinar information (public hearings) at <https://cand.uscourts.gov/judges/ryu-donna-m-dmr/>.

2. The Joint Case Management Conference Statement due by July 10, 2024, is hereby continued to August 14, 2024.

IT IS SO ORDERED.

DATED: July 11, 2024



Chief Magistrate Judge Donna Ryu

1 **CERTIFICATE OF SERVICE**

2 Maxim I Properties v. Krohn, et al.

3 United States District Court – Northern District of California
4 Case No. 4:12-cv-00449-DMR

5 I am a citizen of the United States and am employed in the County of Sacramento, State of
6 California. I am over the age of eighteen (18) and not a party to the within action. My business
7 address is 500 Capitol Mall, Suite 1000, Sacramento, California 95814. I declare that I am
8 employed in the offices of a member of the bar of this court at whose direction the service was
9 made.

10 X [Electronic Transmission] I hereby certify that on the date identified below, I
11 electronically transmitted the foregoing **JOINT STIPULATION AND REQUEST FOR**
12 **ADDITIONAL CONTINUANCE OF CASE MANAGEMENT CONFERENCE**
13 **AND RELATED DEADLINES; [PROPOSED] ORDER** to the Clerk of the Court
14 using the CM/ECF System for filing, which will generate and transmit a notice of
15 electronic filing to the CM/ECF registrants identified on the attached Service List:

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct.

18 Executed on July 9, 2024, at Sacramento, California.

19 _____
20 */s/ Jennifer Estabrook*

21 Jennifer Estabrook
22
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SOMACH SIMMONS & DUNN
A Professional Corporation

SERVICE LIST

COUNSEL	PARTIES
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<p>Gregory Paul O'Hara Lauren Marian Michals Nixon Peabody LLP</p>	<p><i>Attorneys for Plaintiff/Counter-Defendant</i> <i>MAXIM I PROPERTIES</i></p>

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