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10 *Attorneys for Sunset Commercial LLC*

11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF NEVADA**

13 SUNSET COMMERCIAL LLC, a Nevada
 14 Limited Liability Company,
 15
 16 Plaintiff,

17 vs.

18 BAYER CROPSCIENCE, INC., a New York
 19 Corporation; MONTROSE CHEMICAL
 20 CORPORATION OF CALIFORNIA, a
 21 Delaware Corporation; ATLANTIC
 22 RICHFIELD COMPANY, a Delaware
 23 Corporation; OLIN CORPORATION, a
 24 Virginia Corporation, TITANIUM METALS
 25 CORPORATION, a Delaware Corporation;
 26 NL INDUSTRIES, INC., a New Jersey
 27 Corporation; LE PETOMANE XXVII, INC.,
 28 an Illinois Corporation, in its representative
 capacity as the NEVADA
 ENVIRONMENTAL RESPONSE TRUST
 TRUSTEE; and the UNITED STATES OF
 AMERICA.

Defendants.

Case No. 2:23-CV-02081-GMN-BNW

**STIPULATION AND PROPOSED ORDER
 TO EXTEND DEADLINE FOR
 DEFENDANT LE PETOMANE XXVII,
 INC., an Illinois Corporation, in its
 representative capacity as the NEVADA
 ENVIRONMENTAL RESPONSE TRUST
 TRUSTEE TO RESPOND TO AMENDED
 COMPLAINT (ECF NO. 35)**

(First Request)

Plaintiff Sunset Commercial LLC (“Sunset” or “Plaintiff”) and Defendant LE PETOMANE
 XXVII, INC., an Illinois Corporation, in its representative capacity as the NEVADA
 ENVIRONMENTAL RESPONSE TRUST TRUSTEE (“NERT”), by and through counsel of
 record, and consistent with LR IA 6-1(a), hereby stipulate and agree as follows:

1 On or about April 15, 2024, Plaintiff filed its Amended Complaint. Counsel for NERT has
2 agreed to accept service of the Amended Complaint and Counsel for Plaintiff has agreed that NERT
3 shall have 35 days from service of the Amended Complaint (May 6, 2024) to respond to Plaintiff's
4 Complaint (ECF No. 35) (the "Stipulation").

5 This is the first requested extension of this deadline and is made in good faith and not for
6 purposes of delay. *See* LR IA 6-1(a).

7 The parties seek to abide by this Court's "Standing Order" filed on December 19, 2023
8 (ECF No. 9), stating that "Judge Navarro will generally deny a stipulation or motion for a
9 continuance or extension of time which lacks justification," and that "[s]uch requests may be
10 granted only in extraordinary circumstances if just cause is presented." The parties to this
11 Stipulation therefore identify the following points of justification that show just cause exists for
12 granting the Stipulation:

- 13 1. Sunset filed the instant Complaint against the eight (8) Defendants captioned above
14 on December 14, 2023, seeking judgment against all Defendants for contribution
15 damages "for response costs in accordance with CERCLA Section[] 107(a)," (*see*
16 Complaint "Prayer for Relief" ¶ 1), meaning at least a portion of the Complaint's
17 allegations (and especially its first two Claims for Relief) necessitate proceeding
18 against all Defendants together, rather than serially (*see* Compl. ¶¶ 154–78);
- 19 2. The parties to this Stipulation agree it would be fair, not only to themselves but to
20 the other Defendants, to not require NERT to file an Answer or other response
21 sooner than other Defendants must file an Answer, since some of Plaintiff's claims
22 are asserted against all Defendants jointly;
- 23 3. It is the intent of the parties to this Stipulation to use the additional time to explore
24 the possibility of mediation; and
- 25 4. Discovery has not yet commenced in this case and extending the deadline for NERT
26 to file a responsive pleading or other response would not prejudice any other party
27 to this case, nor would it affect any other deadlines at this early stage in the
28 proceedings.

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DATED: May 6, 2024.

DATED: MAY 6, 2024.

PISANELLI BICE PLLC

PARSONS BEHLE & LATIMER

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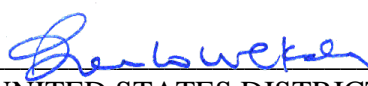
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TRUST TRUSTEE*

Attorneys for Sunset Commercial LLC

ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: 5/7/2024

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of the law firm of Parsons Behle & Latimer and that
3 on the 6th day of May, 2024, I filed a true and correct copy of the foregoing document,
4 **STIPULATION AND ORDER TO EXTEND DEADLINE FOR DEFENDANT LE**
5 **PETOMANE XXVII, INC., an Illinois Corporation, in its representative capacity as the**
6 **NEVADA ENVIRONMENTAL RESPONSE TRUST TRUSTEE TO RESPOND TO**
7 **AMENDED COMPLAINT (ECF 35) (FIRST REQUEST),** with the Clerk through the Court’s
8 CM/ECF system, which sent electronic notification to all registered users as follows:

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