

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ITEM A-1824—JULY 17 BOARD MEETING

**JOINT REPORT AND UPDATE OF DEVELOPMENTS
RELATED TO SWRCB/OCC FILE NO. A-1824**

SUBMITTED JULY 11, 2012, BY:
SANTA ANA REGIONAL BOARD,
COUNTY OF SAN BERNARDINO,
CITY OF COLTON,
CITY OF RIALTO,
THE EMHART PARTIES,
PYRO SPECTACULARS, INC.,
ASTRO PYROTECHNICS, INC.,
THE PETERS PARTIES,
STONEHURST, LLC,
AND TROJAN FIREWORKS COMPANY

TABLE OF CONTENTS

	<u>Page</u>
I. Executive Summary	1
II. The Problem and Its Solution	2
III. Summary of Events Leading Up to the State Water Board's Involvement.....	3
IV. The Material Events Since State Water Board Order WQ 2009-0004	4
A. With the Concurrence of the State, the U.S. EPA Takes Action	4
B. The U.S. EPA Has Reached Tentative Settlements With All But Seven PRPs.....	4
C. Two Key "Work Party" Settlements	6
1. The 2006 County Remedy – Capture and Treatment of Perchlorate/TCE Emanating from Source Areas In and Near Unit 5 of the MVSL (Operational Since 2006).....	6
2. The 2010 ROD Remedy -- Capture and Treatment of Perchlorate/TCE for Source Areas on the 160-Acre Site (In the Design Phase).....	6
E. Final Remedies.....	7
V. Proposed Resolution Resolving State Board and Regional Board Actions.....	7
VI. Answers to the State Board's Seven Questions.....	8
A. Questions 1 and 2.....	8
B. Questions 3, 4, 5, 6, and 7.....	8
VII. Next Steps	9

Pursuant to the request of the State Water Resources Control Board ("State Water Board"), dated May 31, 2012, the following parties hereby jointly submit this update of developments related to SWRCB/OCC File No. A-1824: the Regional Water Quality Control Board, Santa Ana Region ("Santa Ana Regional Board"); the County of San Bernardino ("County"); the City of Rialto ("Rialto"); the City of Colton ("Colton"); Emhart Industries, Inc. ("Emhart"), Kwikset Locks, Inc., and Black & Decker Inc. (collectively the "Emhart Parties"); Pyro Spectaculars, Inc. ("PSI"); Astro Pyrotechnics, Inc. ("Astro"); the Peters Parties; Stonehurst LLC. ("SSLCC"), and Trojan Fireworks Company ("Trojan") (collectively the "Joint Reporting Parties").

I. Executive Summary

Contamination of the groundwater in the Rialto/Colton Groundwater Basin ("Basin") has adversely affected an important regional source of drinking water. Multiple legal proceedings, at times contentious, brought to identify the responsible parties have been ongoing, in one form or another, since 2002. The Joint Reporting Parties are pleased to report that the legal proceedings are nearing a successful resolution. On July 17, 2012, the Joint Reporting Parties will appear to present this Joint Report, present additional separate comments, and answer Board questions with regarding to the following:

- The Problem: Cleaning up perchlorate and TCE detected in groundwater in the Basin.
- The 2006 County Remedy has been defined and implemented: In 2006, following approval by the Santa Ana Regional Board, the County commenced operation of a capture and treatment system for perchlorate and TCE emanating from source areas located in and near Unit 5 of the Mid-Valley Sanitary Landfill property ("MVSL"); the County's system supplies clean water to Rialto (the "2006 County Remedy").
- At the request of the State, U.S. EPA gets involved: In September 2009, the U.S. EPA designated a portion of the Basin as the B.F. Goodrich Superfund Site ("Superfund Site"). In February 2010, the United States, on behalf of the EPA, commenced litigation under CERCLA and RCRA in federal district court in Los Angeles to compel cost recovery and cleanup of the Superfund Site; the United States' lawsuit was subsequently consolidated with six other federal lawsuits filed in 2009 by Rialto, Colton, the County, and several private parties (the "Consolidated Federal Actions"). The Consolidated Federal Actions currently involve more than 20 separately represented potentially responsible parties ("PRPs").
- A 2010 Initial Remedy—EPA's ROD Remedy—defined: In November 2010, U.S. EPA issued its first record of decision for the Superfund Site (the "2010 ROD Remedy"); it requires construction of a capture and treatment system for perchlorate and TCE emanating from the 160-Acre Site source area in Rialto.

- The United States has reached tentative settlements with the majority of PRPs in the Consolidated Federal Actions: In June 2012, after over a year of court-ordered mediation, the United States, on behalf of the EPA, advised the federal district court in Los Angeles that it had reached tentative settlements (subject to the approval of appropriate governmental officials) with the majority of the PRPs; these settlements, which will be documented in two Consent Decrees, are expected to be filed with the district court before September 10, 2012. They will include: (1) agreement by Emhart to be the "work party" to construct and operate the 2010 ROD Remedy; (2) agreements by other settling PRPs to make cash payments to fund remedial and other response actions at the Superfund Site; (3) agreements by Rialto and Colton to cooperate and provide infrastructure associated with the EPA IROD remedy; and (4) agreements by EPA, subject to certain contingencies reserved by EPA, to use certain funds to reimburse the cities of Rialto and Colton for past costs..
- The 2010 ROD Remedy is in the design phase: In 2012, EPA and Emhart commenced design work on the 2010 ROD Remedy. EPA has conducted additional studies. Emhart has prepared the remedial design work plan, reached a tentative agreement with Rialto, a permitted water purveyor, to operate the project, and is in discussions with the County regarding the potential coordination of the County's 2006 Initial Remedy and the 2010 ROD Remedy. Once the 2010 ROD Remedy is constructed, treated water will be piped into Rialto's existing water supply system for delivery to both Rialto and Colton customers.
- Final Remedies: The Santa Ana Regional Board and U.S. EPA are currently investigating and studying potential final remedies concerning the MVSL area and the Superfund Site.
- Joint Answers to Questions Posed by State Board in its May 31, 2012 Meeting Notice: The State Water Board should (1) continue Item A-1824 to its October meeting, at which time all interested parties could present their views on what further action, if any, the State Water Board should take; and (2) consider at its October meeting a Proposed Resolution submitted on July 11, 2012, by the State Water Board's Office of Enforcement.

The Santa Ana Regional Board, the U.S. EPA, and Emhart's technical consultant will each have short Power Point presentations, which are being submitted separately.

II. The Problem and Its Solution

In 1997, perchlorate was detected in a number of groundwater wells in the Basin. As a result, water supply wells were shut down, and the investigation of potential historical sources of perchlorate releases was commenced by the Santa Ana Regional Board. The regulatory issues facing the Regional and State Water Boards and the U. S. EPA have been to: (1) identify the historical activities over the past 70 years that released perchlorate and TCE to groundwater in the Basin; (2) determine who is liable for those releases; (3) select the remedy(s) necessary to

remediate the Basin; and (4) raise the funds necessary to pay for that remediation from liable parties.

For more than six years, the 2006 County Remedy has been cleaning up perchlorate and, since 2010, TCE contamination emanating from in and near Unit 5 of the MVSL, one of two known contaminant sources. When the tentative settlements become final and the 2010 ROD Remedy is implemented, perchlorate and TCE contamination in the Superfund Site, the second source, will begin. The regulatory process for the selection and implementation of any necessary final remedies are also now in place. On the legal front, the United States, on behalf of the EPA, is endeavoring in the months ahead to reach a global settlement with all remaining PRPs. If not, a trial has been set for June 25, 2013, in the federal district court in Los Angeles to resolve all remaining liability issues with any non-settling PRP.

As explained in detail below, in connection with the United States' tentative settlements, the Joint Reporting Parties request that the State Water Board continue its discussion of Questions 3 through 7, in its May 31, 2012 meeting notice for Item A-1824, to its October meeting, at which time the State Water Board can determine what, if any, additional action by it may be warranted. The Joint Reporting Parties are hopeful that settlements involving the Emhart Parties, PSI, Astro, Trojan, the Peters Parties, and SSLLC will be finalized before the State Water Board meets in October. State Water Board concurrence in these settlements is key to their effectiveness and finality. Assuming that the final settlement terms are satisfactory to the State Water Board, the Joint Parties request that the State Water Board adopt at its October meeting a resolution dismissing all pending and possible future claims against these settling PRPs. The Joint Reporting Parties concur in the text of the draft Proposed Resolution submitted on July 11, 2012, by the Office of Enforcement of the State Water Board.

III. Summary of Events Leading Up to the State Water Board's Involvement

In 2001, pursuant to the Porter-Cologne Water Quality Control Act (Water Code, §§ 13000, *et seq.*) the Santa Ana Regional Board commenced its investigation of potential sources of perchlorate releases in the Basin. In 2003, pursuant to CERCLA, the U.S. EPA commenced its parallel investigation of potential sources of contaminants of concern in the Basin. In 2003, the Santa Ana Regional Board issued a cleanup and abatement order to the County, which resulted in construction of the 2006 County Remedy, described in detail in Section IV. C. 1., below.

In 2004, the City of Rialto filed a cost recovery action under CERCLA in federal district court in Riverside (later transferred to Los Angeles) against a number of PRPs. In 2005, Colton filed its CERCLA cost recovery action against many of the same PRPs sued by Rialto. In 2005, the Executive Officer of the Santa Ana Regional Board issued a cleanup and abatement order ("2005 CAO"), subsequently amended, which was challenged for various reasons. Those challenges ultimately triggered commencement of SWRCB/OCC File No. A-1824, which was challenged in state court, culminating in State Water Board's adoption in May 2009 of Order WQ 2009-0004.

IV. The Material Events Since State Water Board Order WQ 2009-0004

A. With the Concurrence of the State, the U.S. EPA Takes Action

In September 2009, with the concurrence of the State, the U.S. EPA listed a portion of the Basin as the B. F. Goodrich Superfund Site ("Superfund Site") under CERCLA. The Superfund Site includes a 160-Acre Area in Rialto, California, where (1), between 1952 and 1963, pyrotechnics and rocket motors were loaded, assembled, and developed by the West Coast Loading Corporation (pyrotechnics) and the B.F. Goodrich Company (rocket motors), who were contractors for the United States Departments of Army and Navy (now DoD), and (2), since the mid-1960s, a multitude of private fireworks companies have manufactured and/or stored fireworks. It also includes all areas where contamination in the groundwater from the 160-Acre Area has or will come to be located.

In early 2010, the United States, on behalf of the U.S. EPA, sued a number of PRPs in federal court in Los Angeles under the Comprehensive, Environmental, Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601, *et seq.*, and the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901 *et seq.*, for past costs, future costs, and injunctive relief necessary to clean up perchlorate and TCE contamination associated with the Superfund Site. The United States' action was consolidated with six other CERCLA cost recovery actions involving contamination of the groundwater in the Basin associated with the source areas in and near the MVSL (collectively the "Consolidated Federal Actions").

In the fall of 2010, after a comprehensive remedial investigation and study of alternative remedies, the U.S. EPA issued its Interim Action Record of Decision ("2010 ROD"), which selected an initial remedy for the Superfund Site (capture and mass removal), commenced work on its investigation and study of a final remedy for the Superfund Site, and invited certain PRPs to submit proposals to perform the work described in its 2010 ROD Remedy.

B. The U.S. EPA Has Reached Tentative Settlements With All But Seven PRPs

In early 2011, the federal district court in Los Angeles issued an order directing all parties to the Consolidated Federal Actions to attempt to resolve their differences through mediation. More than a year of intense settlement discussions followed. On June 4, 2012, the United States, on behalf of the U.S. EPA, reported to the federal district court that it had reached tentative settlements with the following separately represented parties to the Consolidated Federal Actions:

1. American Promotional Events, Inc. West, and American Promotional Events, Inc.;
2. Broco, Inc., and J.S. Brower & Associates, Inc.;
3. Colton;
4. County; Robertson's Ready Mix, Inc.; Edward Stout; Edward Stout as the Trustee of the Stout-Rodriquez Trust; Elizabeth Rodriquez; John Callagy as Trustee of the Fredricksen Children's Trust Under Trust Agreement Dated February 20, 1985; John Callagy as Trustee of the E.F. Schulz Trust; Linda Fredricksen; Linda Fredricksen as Trustee of the

Walter M. Pointon Trust Dated 11/19/1991; Linda Fredricksen as Trustee of the Michelle Ann Pointon Trust Under Trust Agreement Dated February 15, 1985; Linda Fredricksen as Trustee of the E.F. Schulz Trust; John Callagy; Mary Callagy; Jeanine Elzie; Stephen Callagy; Michelle Ann Pointon; Anthony Rodriguez; Zambelli Fireworks Manufacturing Company, Inc.; Zambelli Fireworks Company, aka Zambelli Fireworks Internationale; and Zambelli Fireworks Manufacturing Company (the "County Parties");

5. Emhart Industries, Inc. ("Emhart"), Kwikset Locks, Inc., Black & Decker Inc., and Fred Skovgard (generally described as "the Emhart Parties");
6. The Ensign Bickford Company;
7. The Peters Parties and SLLC;
8. PSI/Astro;
9. Raytheon Company;
10. City of Rialto and Rialto Utility Authority ("Rialto");
11. Trojan; and
12. United States Department of Defense.

See **Exhibit A**, hereto, Joint Report, 6/6/12, at 2-3.

The United States further reported to the federal district court in June 2012, that it is conducting settlement discussions with the following remaining parties to the Consolidated Federal Actions: (1) American West Explosives, ETI Explosives, and Golden State Explosives (collectively "American West"); (2) Environmental Enterprises, Inc.; (3) General Dynamics, Inc.; (4) Goodrich Corporation; (5) the Estate of Harry Hescox; (6) Ken Thompson, Inc. and related party, Rialto Concrete Products, Inc.; and (7) Whittaker Corporation. *Id.*, at 4.

In order to provide additional time to the settling parties to finalize their settlement documents and to allow the United States to conclude its ongoing settlement discussions with additional PRPs, on June 11, 2012, the federal district court issued an order: (1) extending the remaining pre-trial discovery completion dates three months in the Consolidated Federal Actions; (2) resetting the trial date from March 24, 2013, to June 25, 2013; and (3) directing all parties to return on September 10, 2012, to report on the status of the United States' efforts to reach a global settlement with all PRPs. See **Exhibit B**, hereto, 6/11/12 Order.

The United States, on behalf of the EPA, intends to lodge, on or before September 10, 2012, two Consent Decrees, which will finalize its tentative settlements, with the federal district in Los Angeles. The trial, set for June 25, 2013, will resolve all remaining claims involving any non-settling PRP.

C. Two Key "Work Party" Settlements

1. The 2006 County Remedy – Capture and Treatment of Perchlorate/TCE Emanating from Source Areas In and Near Unit 5 of the MVSL (Operational Since 2006)

On January 17, 2003, the Santa Ana Regional Board issued a cleanup and abatement order, directing the County to clean up perchlorate emanating from source areas in the MVSL. On September 17, 2004, the Santa Ana Regional Board amended the 2003 CAO to require the County, in addition to cleaning up perchlorate in the groundwater down-gradient of the MVSL, to take all actions necessary to provide replacement water to Rialto. On September 27, 2005, the County, without any admission of liability, entered into an agreement with Rialto to provide it with replacement water and to construct and operate an initial remedy to contain and remove perchlorate and TCE emanating from source areas in and near Unit 5 of the County's Landfill—the 2006 County Remedy. In 2006, the County commenced operation of this remedy for perchlorate and, in 2010, for TCE, which the County estimates will ultimately cost \$60 million.

In 2008, the County, Rialto, and Colton entered into a settlement agreement, again without any admission of liability, regarding all claims against each other in the Consolidated Federal Actions. The County agreed: (1) to continue to implement the 2006 County Remedy; and (2) to pay \$5 million to Rialto and Colton. In December 2011, the federal district court, approved the County's settlement agreement with Rialto and Colton as having been entered in "good faith" and dismissed all claims against the County in the Consolidated Federal Actions. Several PRPs and the United States filed appeals challenging the County's settlement; those appeals are on hold pending further settlement discussions. As part of the tentative settlements described herein, the United States, the Emhart Parties, PSI, and Astro have agreed to dismiss their appeals challenging the County settlements.

2. The 2010 ROD Remedy -- Capture and Treatment of Perchlorate/TCE for Source Areas on the 160-Acre Site (In the Design Phase)

To resolve all claims against the Emhart Parties in the Consolidated Federal Actions, Emhart has agreed tentatively with the United States, without any admission of liability, to be the "work party" for 2010 ROD Remedy, which Emhart currently estimates will cost \$36 million (net present value) over the next 30 years. As part of its tentative settlement with the United States, Emhart has agreed, with no formal settlement documents in place, to prepare the necessary Remedial Design Work Plan and to obtain necessary permitting for the 2010 ROD Remedy. Emhart commenced that design work in April of 2012. It is anticipated that Emhart's Remedial Design Work Plan will be an exhibit to the Consent Decree that will be lodged with the federal district court before its next status conference on September 10, 2012.

The County, Rialto and Colton have agreed to coordinate the County's existing remedy infrastructure with 2010 ROD Remedy. Rialto, as a permitted water purveyor by the California Department of Public Health, has agreed: (1) to operate the necessary treatment system(s); (2) receive all clean water into its existing water supply system; and (3) deliver that water to Colton. Colton has agreed to receive the water and, depending on future extraction needs to achieve

capture, to shut down its current well-head treatment system for perchlorate and turn on and off other wells as needed to meet the water supply needs of its customers.

In order to connect Rialto's existing water supply system with Colton's system, a new 1,700 to 3,800 foot pipeline (depending on the route) may be needed. Once constructed, this pipeline will be owned jointly by Rialto and Colton. The Santa Ana Regional Board and Emhart are in discussions regarding how the cost of this pipeline could be funded.

D. The Tentative Cash Settlements

As part of the U. S. EPA's settlement efforts, substantial settlement funds have been raised from cash-out and ability-to-pay settling PRPs in the Consolidated Federal Actions. These monetary settlements will be used to fund response costs at the Superfund Site. A portion of the settlement funds will be paid to Rialto and Colton to reimburse the cities for past response costs, subject to certain contingencies reserved by the United States. It is anticipated that additional settlement funds will be raised as more, and possibly all, PRPs agree to settlement terms. As a result of these settlements, or, if not all PRPs settle, as a result of judgments entered at the close of the June 2013 trial, one or more PRPs, who have not yet settled, may agree or be required to be the work party for the final remedy and/or pay all its remaining costs.

Further details of the tentative settlements described, above, cannot be provided at this time because the United States is currently engaged in settlement discussions with the non-settling PRPs. These details will be publicly disclosed when the Consent Decrees are lodged with the federal district court and published in the Federal Register. The parties are seeking to lodge the Consent Decrees and submit a notice of their lodging to the Federal Register for public comment before the status conference before the federal district court on September 10, 2012.

E. Final Remedies

The Santa Ana Regional Board's 2003 CAO, as amended, the County's settlement agreement with Rialto and Colton, and its corresponding Consent Decree entered by the federal district court in Los Angeles obligates the County to implement additional remedial actions, if necessary as set forth in those documents. At this juncture, it is too early to determine whether a remedy beyond the 2006 County Remedy will be required of the County.

The U.S. EPA is currently conducting its remedial investigation and feasibility study ("RI/FS") for the final remedy for the Superfund Site. The agency anticipates that its RI/FS process will be completed in approximately two years at which time it will select the final remedy, which will be implemented in accordance with the Superfund program.

In short, the known sources for perchlorate and TCE contamination in the Basin are being fully addressed.

V. Proposed Resolution Resolving State Board and Regional Board Actions

In light of the substantial developments described above, the Joint Reporting Parties submit that at this time the Santa Ana Regional Board and the State Water Board should defer the active enforcement activities for those parties that have entered into tentative settlements

with the United States, pending consideration of anticipated settlement developments over the next few months. In addition, the resolution of the Regional and State Water Board proceedings is critical to finalizing those tentative settlements. Therefore, on July 11, 2012, the Office of Enforcement of the State Water Board is submitting to the State Water Board, for information purposes only, a Proposed Resolution which addresses this condition for consideration and possible adoption by the State Water Board at a later meeting.

VI. Answers to the State Board's Seven Questions

A. Questions 1 and 2

In the Notice of Meeting dated May 31, 2012, the Chief Counsel of the State Water Board identified seven questions which the State Water Board is interested in having the noticed parties address. The first two questions are:

1. What relevant legal and technical developments have occurred concerning the 160-acre site or the Rialto-Colton groundwater basin since February 2007?
2. Besides legal and technical developments, since February 2007 have there been any other developments concerning the 160-acre site or the Rialto-Colton groundwater basin that the State Water Board should be aware of?

The answers to these two questions are set forth in Sections I through IV, above, of this Joint Report.

B. Questions 3, 4, 5, 6, and 7

The remaining five questions are:

3. Should the State Water Board resume the evidentiary hearings as contemplated by State Water Board Orders WQ 2008-0004 and WQ 2009-0004 initiating own motion review?
4. Is there any benefit to remanding the matter back to the Santa Ana Water Board without an evidentiary hearing by the State Water Board?
5. Should any proceeding before the State Water Board remain limited to the 160-acre site or should it be expanded geographically?
6. If the proceeding should be expanded, to what extent?
7. Should there be additional potentially responsible parties added to the existing proceeding?

For the reasons set forth in Section I through IV, above, of this Joint Report, the answers to these Questions should await further settlement developments over the next two and one half months in Consolidated Federal Actions.

VII. Next Steps

The Joint Reporting Parties respectfully request that the State Water Board take the following next steps:

1. Item A-1824 on the July 17, 2012 agenda should be continued to the State Water Board's October 16, 2012 meeting at which time the State Water Board should receive all final comments on Questions 3, 4, 5, 6, and 7 and determine what, if any, further State Water Board action is warranted.
2. The State Water Board should consider, at its October 16, 2012 meeting, the Proposed Resolution submitted on July 11, 2012, as an information item only, by the Office of Enforcement of the State Water Board. The United States anticipates that in advance of the State Water Board's October 16 meeting two Consent Decrees, which will set forth in detail the commitments of each of the settling PRPs, will be lodged with the federal district court and published in the Federal Register. When they are lodged and published, copies will be provided to the State Water Board.

EXHIBIT A

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18 UNITED STATES DISTRICT COURT
 19 CENTRAL DISTRICT OF CALIFORNIA
 20 WESTERN DIVISION

21 CITY OF COLTON, a California
 22 municipal corporation,

23 Plaintiff,

24 v.

25 AMERICAN PROMOTIONAL
 26 EVENTS, INC., et al.

27 Defendants.

Case No. ED CV 09-1864 PSG (SSx)

[Consolidated with Nos. CV 09-6630 PSG (SSx), CV 09-06632 PSG (SSx), CV 09-07501 PSG (SSx), CV 09-07508 PSG (SSx); CV 10-00824 PSG (SSx) and CV 05-01479-PSG (SSx)]

**JOINT STATUS REPORT,
 STIPULATION OF ALL PARTIES,
 AND PROPOSED ORDER TO
 AMEND CMO NO. 1 (Dkt. # 601), AS
 MODIFIED BY ORDER (Dkt. # 1432)**

Judge: Hon. Philip S. Gutierrez

Trial Date: March 25, 2013

1 Pursuant to the Court's June 4, 2012 order, this Joint Status Report, Stipulation of
2 All Parties, and Proposed Order to Amend CMO No. 1 (Dkt. # 601), as modified by
3 Order (Dkt. # 1432), is submitted by all parties to the Consolidated Actions. The Joint
4 Status Report reports on the status of the parties' settlement efforts and seeks an order
5 extending, by 90 days, the deadlines in Case Management Order No. 1 ("CMO No. 1")
6 (Dkt. # 601), as amended by Order (Dkt. # 1432), dated April 4, 2012, for initial and
7 rebuttal expert witness disclosures, expert witness discovery, dispositive motions,
8 pretrial, and trial.

9 On Wednesday, June 6, 2012, all Parties to the Consolidated Actions met and
10 conferred to discuss this Joint Status Report. As a result, Goodrich agreed to withdraw
11 its objection to the proposed 90-day extension of the trial and other related dates. Thus,
12 all Parties to the Consolidated Actions submit this Joint Status Report and respectfully
13 request that the Court enter the Proposed Order attached hereto as Exhibit A.

14 I. JOINT STATUS REPORT

15 WHEREAS, on February 23, 2011, the Court entered "(In Chambers) Order Re
16 Mediation" (Dkt. # 608) which required "the claims [in the Consolidated Actions] of
17 all parties, whether a contribution claim, CERCLA Section 107 claim, or a RCRA
18 Section 7003 claim, be the subject of negotiation in ... mediation;" and since that
19 Order, the parties have engaged in extensive settlement negotiations.

20 WHEREAS, all Parties to the Consolidated Actions which had reached tentative
21 settlement agreements with the United States, as of April 4, 2012, were relieved of the
22 substantial burden of any further discovery and trial preparation by the Court's "Order
23 Re Joint Stipulation of All Parties Requesting that the Court Amend Certain Case
24 Management Order Deadlines but not the Trial Date or Dispositive Motion Date" (Dkt.
25 # 1432). That Order (Dkt. # 1432): (a) stayed and suspended, effective February 17,
26 2012, all fact discovery deadlines between and among all Parties which had reached
27 tentative settlement agreements with the United States through June 4, 2012; (b) did
28 not stay or suspend fact discovery involving the United States and Goodrich

1 Corporation extended by order of the Special Master, subject to any appeal by the
2 United States; (c) reset certain expert witness discovery dates in CMO No. 1 (Dkt. #
3 601); and (d) set a status conference for June 4, 2012.

4 WHEREAS, the Parties which have not entered into tentative settlement
5 agreements with the United States do not waive their rights to seek extensions of the
6 fact discovery deadline from the Special Master.

7 WHEREAS, as of June 4, 2012, the United States, on behalf of the United States
8 Environmental Protection Agency and the United States Department of Defense, has
9 reached tentative settlements with the following parties to the Consolidated Actions:

- 10 1. American Promotional Events, Inc. West, and American Promotional Events,
11 Inc.;
- 12 2. Broco, Inc., and J.S. Brower & Associates, Inc.;
- 13 3. The City of Colton ("Colton");
- 14 4. The County of San Bernardino ("County"); Robertson's Ready Mix, Inc.;
- 15 Edward Stout; Edward Stout as the Trustee of the Stout-Rodriquez Trust;
- 16 Elizabeth Rodriquez; John Callagy as Trustee of the Fredricksen Children's
17 Trust Under Trust Agreement Dated February 20, 1985; John Callagy as Trustee
18 of the E.F. Schulz Trust; Linda Fredricksen; Linda Fredricksen as Trustee of the
19 Walter M. Pointon Trust Dated 11/19/1991; Linda Fredricksen as Trustee of the
20 Michelle Ann Pointon Trust Under Trust Agreement Dated February 15, 1985;
21 Linda Fredricksen as Trustee of the E.F. Schulz Trust; John Callagy; Mary
22 Callagy; Jeanine Elzie; Stephen Callagy; Michelle Ann Pointon; Anthony
23 Rodriquez; Zambelli Fireworks Manufacturing Company, Inc.; Zambelli
24 Fireworks Company, aka Zambelli Fireworks Internationale; and Zambelli
25 Fireworks Manufacturing Company (the "County Parties");
- 26 5. Emhart Industries, Inc. ("Emhart"), Kwikset Locks, Inc., Black & Decker Inc.,
27 and Fred Skovgard (generally described as "the Emhart Parties");
- 28 6. The Ensign Bickford Company;

- 1 7. Thomas O. Peters, The 1996 Thomas O. Peters and Kathleen S. Peters
- 2 Revocable Trust (the "Peters Parties"), and Stonehurst Site LLC;
- 3 8. Pyro Spectaculars, Inc. and Astro Pyrotechnics, Inc.;
- 4 9. Raytheon Company;
- 5 10. The City of Rialto and Rialto Utility Authority ("Rialto"); and
- 6 11. Trojan Fireworks Company.

7 (All parties identified immediately above are collectively referred to as the "Settling
8 Parties;" the United States, Colton, and Rialto are collectively referred to as the
9 "Governmental Parties," and all non-Governmental Parties identified immediately
10 above are collectively referred to as "Settling Defendants").

11 WHEREAS, the majority of the parties to the Consolidated Actions have now
12 reached tentative settlements with the United States and progress has been made in
13 drafting and approving the corresponding settlement documentation, and the Settling
14 Parties need an additional 90 days to complete that documentation, which includes: (a)
15 Consent Decrees, including, in the Work Party Consent Decree, a detailed Statement of
16 Work and Remedial Design Work Plan for the U.S. EPA's Interim Record of Decision
17 ("IROD") Remedy, which, when lodged with the Court, are required by CERCLA to
18 be published in the Federal Register for notice and a 30-day comment period; (b) an
19 agreement between Emhart, the County, Rialto, and Colton, which will define their
20 respective obligations and rights in connection with Emhart's implementation, as the
21 work party, of the IROD Remedy; (c) mutual releases, covenants not to sue, and
22 contribution bars acceptable to all Settling Parties; (d) motions for the Court to approve
23 and enter the Consent Decrees and for "good faith" determinations; and (e) an
24 acceptable resolution of related actions now pending in state court and before the State
25 Water Resources Control Board.

26 WHEREAS, the parties which have not entered into tentative settlement
27 agreements with the United States reserve all rights to contest the good faith nature of
28 any settlements reached and presented to the Court.

1 WHEREAS, the Settling Parties' ability to avoid substantial litigation costs
2 necessary to complete fact discovery, prepare and exchange multiple initial and
3 rebuttal expert witness reports, prepare for and attend multiple expert witness
4 depositions, prepare and oppose dispositive summary judgment motions, comply with
5 the substantial pre-trial requirements set forth in Local Rules 16-2, 16-4, 16-5, and 16-
6 6, prepare for trial, and try the case has been, and will continue to be, a significant
7 inducement to settlement.

8 WHEREAS, as reported to the Court on June 4, 2012, the United States
9 continues to pursue settlements with the following remaining parties to the
10 Consolidated Actions: (1) American West Explosives, ETI Explosives, and Golden
11 State Explosives; (2) Environmental Enterprises, Inc.; (3) General Dynamics, Inc.; (4)
12 Goodrich Corporation; (5) the Estate of Harry Hescox; (6) Ken Thompson Inc.; and (7)
13 Whittaker Corporation.

14 WHEREAS, the parties to the Consolidated Actions believe that an additional 90
15 days will allow the Settling Parties to complete documentation of their tentative
16 settlements, will promote additional settlements with the remaining parties, including
17 the potential for achieving a global settlement, and, subject to the Court's approval of
18 the parties' settlements, will provide all remaining parties with a clear definition of
19 those limited claims and disputes, if any, which will proceed to expert witness
20 discovery and then be resolved at trial.

21 **II. ALL PARTIES' STIPULATION AND REQUESTED ORDER**

22 THEREFORE, the undersigned parties to the Consolidations Actions hereby
23 stipulate that:

24 1. The Court amend the current pretrial deadlines set forth in "Order Re Joint
25 Stipulation of All Parties Requesting that the Court Amend Certain Case
26 Management Order Deadlines but not the Trial Date or Dispositive Motion Date"
27 (Dkt. # 1432), as follows:
28

Task	Current Date	New Date
Status Conference	N/A	September 10, 2012
Expert witness disclosures exchanged	August 13, 2012	November 13, 2012
Rebuttal expert witness disclosures exchanged	October 15, 2012	January 14, 2013
Expert discovery closes	January 30, 2013	April 30, 2013
Deadline for filing dispositive motions	November 30, 2012	February 28, 2013
Pretrial Status Conference	January 14, 2013	April 15, 2013
Trial Date	March 25, 2013	June 24, 2013

2. All fact discovery deadlines set forth in paragraph 8 of CMO No.1 (Dkt. # 601) shall remain the same, except: (a) as provided for in paragraphs 1, 2, and 3 of Order (Dkt. # 1432), dated April 4, 2012, and (b), as between the United States and Goodrich, as was extended by the Special Master on March 22, 2012 (Dkt. # 1401), subject to appeal by the United States; and (c) Goodrich reserves the right to seek further extension of the fact discovery deadline in the Special Master's Order (Dkt. # 1401) and the United States reserves the right to oppose any such extension; and

3. The Court, for good cause shown, should enter the Proposed Order attached hereto as Exhibit A.

Respectfully submitted,

Dated: June 6, 2012

IGNACIA S. MORENO
Assistant Attorney General
Environment & Natural Resources Division

By: /s James R. MacAyeal

JAMES R. MacAYEAL
DAVID ROSSKAM
VALERIE K. MANN
DEBORAH A. GITIN
BONNIE A. COSGROVE
Environmental Enforcement Section
U.S. Department of Justice

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Of Counsel:

MICHELE BENSON
United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Attorneys for Plaintiff UNITED STATES OF
AMERICA, ON BEHALF OF THE UNITED
STATES ENVIRONMENTAL
PROTECTION AGENCY

Dated: June 6, 2012

IGNACIA S. MORENO
Assistant Attorney General
Environment & Natural Resources Division

By: s/ Michael C. Augustini

ROBERT FOSTER
MICHAEL C. AUGUSTINI
LESLIE M. HILL
Environmental Defense Section
U.S. Department of Justice

Attorneys for Defendant UNITED STATES
OF AMERICA, ON BEHALF OF THE
UNITED STATES DEPARTMENT OF
DEFENSE

Dated: June 6, 2012

GIBSON DUNN & CRUTCHER LLP

By: s/ Jeffrey D. Dintzer

JEFFREY D. DINTZER
Attorneys for Defendant
GOODRICH CORPORATION

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Dated: June 6, 2012

PAUL HASTINGS

By: s/ Dennis Ellis

DENNIS ELLIS

Attorneys for Plaintiffs and Counter-Defendants CITY OF RIALTO and RIALTO UTILITY AUTHORITY

Dated: June 6, 2012

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

By: s/ James L. Meeder

JAMES L. MEEDER

Attorneys for Defendants EMHART INDUSTRIES, INC., BLACK & DECKER INC., KWIKSET CORPORATION and KWIKSET LOCKS, INC.

Dated: June 6, 2012

KRONICK MOSKOVITZ TIEDEMANN & GIRARD

By: s/ Daniel J. O'Hanlon

DANIEL J. O'HANLON

Attorneys for Defendant
FRED SKOVGARD

Dated: June 6, 2012

LAW OFFICES OF HARLAND L. BURGE, JR.

By: s/ Harland L. Burge

HARLAND L. BURGE

Attorneys for Defendant
ENVIRONMENTAL ENTERPRISES, INC.

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Dated: June 6, 2012

KIRKLAND & ELLIS LLP

By: s/ Steven Soule

STEVEN SOULE

Attorneys for Defendants

RAYTHEON COMPANY, GENERAL
DYNAMICS CORPORATION

Dated: June 6, 2012

DONGELL LAWRENCE FINNEY LLP

By: s/ Christopher T. Johnson

CHRISTOPHER T. JOHNSON

Attorneys for Defendant

WHITTAKER CORPORATION

Dated: June 6, 2012

BARG, COFFIN, LEWIS & TRAPP, LLP

By: s/ Tom Boer

TOM BOER

Attorneys for Defendant

THE ENSIGN-BICKFORD COMPANY

Dated: June 6, 2012

HUNSUCKER GOODSTEIN & NELSON PC

By: s/ Brian L. Zagon

BRIAN L. ZAGON

Attorneys for Defendants

PYRO SPECTACULARS, INC. and ASTRO
PYROTECHNICS, INC.

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Dated: June 6, 2012

RENSHAW & ASSOCIATES

By: s/ Steven J. Renshaw

STEVEN J. RENSHAW
Attorneys for Defendant
TROJAN FIREWORKS COMPANY

Dated: June 6, 2012

KUTAK ROCK LLP

By: s/ Jad T. Davis

JAD T. DAVIS
Attorneys for Defendant
ZAMBELLI FIREWORKS
MANUFACTURING COMPANY, INC.,
ZAMBELLI FIREWORKS COMPANY aka
ZAMBELLI FIREWORKS
INTERNATIONALE and ZAMBELLI
FIREWORKS MANUFACTURING
COMPANY

Dated: June 6, 2012

BEST BEST & KRIEGER LLP

By: s/ Gene Tanaka

GENE TANAKA
Attorneys for Plaintiff
CITY OF COLTON

1 Dated: June 6, 2012

GALLAGHER & GALLAGHER, PC

2
3 By: s/ David Lawton

4 MARTIN N. REFKIN

5 THOMAS BLOOMFIELD

6 DAVID LAWTON

7 Attorneys for Defendants COUNTY OF SAN
8 BERNARDINO; ROBERTSON'S READY
9 MIX, INC.; EDWARD STOUT;

10 ELIZABETH RODRIGUEZ; JOHN

11 CALLAGY, AS TRUSTEE OF THE

12 FREDERICKSEN CHILDREN'S TRUST

13 UNDER TRUST AGREEMENT DATED

14 FEB. 20, 1985; LINDA FREDERICKSEN,

15 LINDA FREDERICKSEN, AS TRUSTEE

16 OF THE WALTER M. POINTON TRUST

17 DATED NOV. 19, 1991; LINDA

18 FREDERICKSEN, AS TRUSTEE OF

19 MICHELLE ANN POINTON TRUST

20 UNDER TRUST AGREEMENT DATED

21 FEB. 15, 1985; JOHN CALLAGY; MARY

22 MITCHELL (now known as MARY

23 CALLAGY); JEANINE ELZIE; and

24 STEPHEN CALLAGY

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Dated: June 6, 2012

DOWNEY BRAND, LLP

By: s/ Steven H. Goldberg

STEVEN H. GOLDBERG

Attorneys for Defendants AMERICAN
PROMOTIONAL EVENTS, INC., and
AMERICAN PROMOTIONAL EVENTS,
INC. – WEST, as successor by name change
or merger to AMERICAN PYRODYNE
CORPORATION, PYRODYNE
AMERICAN CORPORATION,
AMERICAN WEST, INC., AMERICAN
WEST MARKETING, INC., and FREEDOM
FIREWORKS, INC.

Dated: June 6, 2012

ISOLA LAW GROUP, LLP

By: s/ David R. Isola

DAVID R. ISOLA

Attorneys for Defendant ESTATE OF
HARRY HESCOX; JAMES HESCOX
TRUSTEE OF THE HESCOX FAMILY
TRUST AS PERSONAL
REPRESENTATIVE OF HARRY HESCOX

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Dated: June 6, 2012

LEWIS BRISBOIS BISGAARD & SMITH

By: s/ Brian A. Rawers

BRIAN A. RAWERS Attorneys for
Defendant JAMES HESCOX IN HIS
CAPACITY AS TRUSTEE OF THE
HARRY HESCOX TRUST AND AS
EXECUTOR OF THE ESTATE OF
HARRY HESCOX AS APPOINTED BY
THE INSURANCE COMPANY OF THE
STATE OF PENNSYLVANIA

Dated: June 6, 2012

VARNER & BRANDT LLP

By: s/ Keith A. Kelly

KEITH A. KELLY
Attorneys for Defendants
KEN THOMPSON, INC. and RIALTO
CONCRETE PRODUCTS

Dated: June 6, 2012

VOSS, COOK & THEL LLP

By: s/ John E. Van Vlear

JOHN E. VAN VLEAR
Attorneys for Defendants THE 1996
THOMAS O. PETERS AND KATHLEEN S.
PETERS REVOCABLE TRUST,
STONEHURST SITE, LLC and THOMAS
O. PETERS

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Dated: June 6, 2012

BARNES & THORNBURG, LLP

By: s/ Christopher S. Riley
CHRISTOPHER S. RILEY
Attorneys for Defendant AMERICAN WEST
EXPLOSIVES, ETI EXPLOSIVES,
GOLDEN STATE EXPLOSIVES

Dated: June 6, 2012

BURKE, WILLIAMS & SORENSEN, LLP

By: s/ Allan E. Ceran
ALLAN E. CERAN
AMY E. HOYT
Attorney for Defendants BROCO, INC. and
J.S. BROWER & ASSOCIATES, INC.

EXHIBIT A

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Western Division

CITY OF COLTON,
Plaintiff,
vs.
AMERICAN PROMOTIONAL
EVENTS, INC.-WEST, et al.,
Defendants.

Case No. ED CV 09-01864 PSG (SSx)
[Consolidated with Case Nos. V 09-6630
PSG (SSx), CV 09-6632 PSG (SSx),
CV 09-07501 PSG (SSx), CV 09-07508
PSG (SSx), CV 10-00824 PSG (SSx)
CV 05-01479 PSG (SSx)]
**[PROPOSED] ORDER RE JOINT
STATUS REPORT, STIPULATION
OF ALL PARTIES, AND PROPOSED
ORDER TO AMEND CMO NO. 1, AS
MODIFIED BY ORDER (Dkt. # 1432)**

The Court having been advised by the "Joint Status Report, Stipulation of All Parties, and Proposed Order to Amend CMO No. 1, as Modified by Order (Dkt. # 1432)," of: (1) the substantial progress that has been made by the parties in the Court ordered mediation—a majority of the parties in the Consolidated Actions have reached tentative settlement agreements with the United States;¹ (2) the benefits of

¹ The parties which have reached tentative settlements with the United States are: (1) American Promotional Events, Inc. West, and American Promotional Events, Inc.; (2) Broco, Inc., and J.S. Brower & Associates, Inc.; (3) the City of Colton

1 continuing the stay and suspension of fact discovery as previously ordered on April
2 4, 2012, by the Court in Order (Dkt. 1432); (3) the need for and benefits of an
3 extension of 90 days of all others pre-trial dates in paragraph 8 of CMO No. 1, as
4 modified on April 4, 2012, by Order (Dkt. # 1432); and (4) good cause appearing;

5 IT IS HEREBY ORDERED, with regard to fact discovery, that:

6 1. To the extent fact discovery remains, the following fact discovery
7 deadlines shall be stayed and suspended, effective February 17, 2012, pending
8 further order of the Court: (a) those between and among the Settling Defendants;²
9 (b) those between and among the Governmental Parties; (c) those between and
10 among any Settling Defendant and any Governmental Party; and (d) those between
11

12 ("Colton"); (4) the County of San Bernardino Parties; Robertson's Ready Mix,
13 Inc.; Edward Stout; Edward Stout as the Trustee of the Stout-Rodriguez Trust;
14 Elizabeth Rodriguez; John Callagy as Trustee of the Fredricksen Children's
15 Trust Under Trust Agreement Dated February 20, 1985; John Callagy as Trustee
16 of the E.F. Schulz Trust; Linda Fredricksen; Linda Fredricksen as Trustee of the
17 Walter M. Pointon Trust Dated 11/19/1991; Linda Fredricksen as Trustee of the
18 Michelle Ann Pointon Trust Under Trust Agreement Dated February 15, 1985;
19 Linda Fredricksen as Trustee of the E.F. Schulz Trust; John Callagy; Mary
20 Callagy; Jeanine Elzie; Stephen Callagy; Michelle Ann Pointon; Anthony
21 Rodriguez; Zambelli Fireworks Manufacturing Company, Inc.; Zambelli
22 Fireworks Company, aka Zambelli Fireworks Internationale; and Zambelli
23 Fireworks Manufacturing Company (the "County Parties"); (5) Emhart
24 Industries, Inc. ("Emhart"), Kwikset Locks, Inc., Black & Decker Inc., and Fred
25 Skovgard (generally described as "the Emhart Parties"); (6) The Ensign Bickford
26 Company; (7) Thomas O. Peters, The 1996 Thomas O. Peters and Kathleen S.
27 Peters Revocable Trust (the "Peters Parties"), and Stonehurst Site LLC ; (8) Pyro
28 Spectaculars, Inc. and Astro Pyrotechnics, Inc. ("PSI"); (9) Raytheon Company;
29 (10) the City of Rialto and Rialto Utility Authority ("Rialto"); and (11) Trojan
30 Fireworks Company. (All parties identified immediately above are collectively
31 referred to as the "Settling Parties;" the United States, Colton, and Rialto are
32 collectively referred to as the "Governmental Parties," and all non-Governmental
33 Parties identified immediately above are collectively referred to as "Settling
34 Defendants").

² For the parties included in the terms "Settling Parties," "Governmental Parties,"
and "Settling Defendants" see footnote 1, above.

1 and among the Settling Parties and all other parties to the Consolidated Actions,
2 except as set forth in paragraph 2, below;

3 2. The fact discovery deadlines set forth in paragraph 8 of CMO No. 1
4 (Dkt. No. 601), involving the United States and Goodrich Corporation shall remain
5 as set forth in paragraph 2 of Order (Dkt. # 1432), entered on April 4, 2012, unless
6 otherwise modified by court order subject to any appeal;

7 3. All objections to the fact discovery which were preserved by paragraph
8 3 of Order (Dkt. # 1432), entered on April 4, 2012, shall continue to be preserved; in
9 the event that a tentative settlement agreement as to a particular party or parties is
10 not finalized and approved by the Court, any pending discovery motion directed at
11 that party or parties which was withdrawn pursuant to Order (Dkt. # 1432), entered
12 on April 4, 2012, may be re-noticed; and

13 IT IS HEREBY FURTHER ORDERED, with regard to expert witness
14 discovery and other related pre-trial dates, that paragraph 8 of CMO No. 1 (Dkt. #
15 601), as amended by Order (Dkt. # 1432), is further amended as follows:

16	Task	Current Date	New Date
17			
18	Status Conference	N/A	September 10, 2012
19	Expert witness disclosures	August 13, 2012	November 13, 2012
20	exchanged		
21	Rebuttal expert witness	October 15, 2012	January 14, 2013
22	disclosures exchanged		
23	Expert discovery closes	January 30, 2013	April 30, 2013
24	Deadline for filing	November 30, 2012	February 28, 2013
25	dispositive motions		
26	Pretrial Status Conference	January 14, 2013	April 15, 2013
27	Trial Date	March 25, 2013	June 24, 2013
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EXHIBIT B

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E-FILED 06/08/2012
LINK TO DOC. #1541

NOTE CHANGES MADE BY THE COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Western Division

CITY OF COLTON,
Plaintiff,
vs.
AMERICAN PROMOTIONAL
EVENTS, INC.-WEST, et al.,
Defendants.

Case No. ED CV 09-01864 PSG (SSx)
[Consolidated with Case Nos. V 09-6630
PSG (SSx), CV 09-6632 PSG (SSx),
CV 09-07501 PSG (SSx), CV 09-07508
PSG (SSx), CV 10-00824 PSG (SSx)
CV 05-01479 PSG (SSx)]
**[PROPOSED] ORDER RE JOINT
STATUS REPORT, STIPULATION
OF ALL PARTIES, AND PROPOSED
ORDER TO AMEND CMO NO. 1, AS
MODIFIED BY ORDER (Dkt. # 1432)**

The Court having been advised by the "Joint Status Report, Stipulation of All Parties, and Proposed Order to Amend CMO No. 1, as Modified by Order (Dkt. # 1432)," of: (1) the substantial progress that has been made by the parties in the Court ordered mediation—a majority of the parties in the Consolidated Actions have reached tentative settlement agreements with the United States;¹ (2) the benefits of

¹ The parties which have reached tentative settlements with the United States are: (1) American Promotional Events, Inc. West, and American Promotional Events, Inc.; (2) Broco, Inc., and J.S. Brower & Associates, Inc.; (3) the City of Colton

1 continuing the stay and suspension of fact discovery as previously ordered on April
2 4, 2012, by the Court in Order (Dkt. 1432); (3) the need for and benefits of an
3 extension of 90 days of all others pre-trial dates in paragraph 8 of CMO No. 1, as
4 modified on April 4, 2012, by Order (Dkt. # 1432); and (4) good cause appearing;

5 IT IS HEREBY ORDERED, with regard to fact discovery, that:

6 1. To the extent fact discovery remains, the following fact discovery
7 deadlines shall be stayed and suspended, effective February 17, 2012, pending
8 further order of the Court: (a) those between and among the Settling Defendants;²
9 (b) those between and among the Governmental Parties; (c) those between and
10 among any Settling Defendant and any Governmental Party; and (d) those between
11

12 ("Colton"); (4) the County of San Bernardino Parties; Robertson's Ready Mix,
13 Inc.; Edward Stout; Edward Stout as the Trustee of the Stout-Rodriquez Trust;
14 Elizabeth Rodriquez; John Callagy as Trustee of the Fredricksen Children's
15 Trust Under Trust Agreement Dated February 20, 1985; John Callagy as Trustee
16 of the E.F. Schulz Trust; Linda Fredricksen; Linda Fredricksen as Trustee of the
17 Walter M. Pointon Trust Dated 11/19/1991; Linda Fredricksen as Trustee of the
18 Michelle Ann Pointon Trust Under Trust Agreement Dated February 15, 1985;
19 Linda Fredricksen as Trustee of the E.F. Schulz Trust; John Callagy; Mary
20 Callagy; Jeanine Elzie; Stephen Callagy; Michelle Ann Pointon; Anthony
21 Rodriquez; Zambelli Fireworks Manufacturing Company, Inc.; Zambelli
22 Fireworks Company, aka Zambelli Fireworks Internationale; and Zambelli
23 Fireworks Manufacturing Company (the "County Parties"); (5) Emhart
24 Industries, Inc. ("Emhart"), Kwikset Locks, Inc., Black & Decker Inc., and Fred
25 Skovgard (generally described as "the Emhart Parties"); (6) The Ensign Bickford
26 Company; (7) Thomas O. Peters, The 1996 Thomas O. Peters and Kathleen S.
27 Peters Revocable Trust (the "Peters Parties"), and Stonehurst Site LLC ; (8) Pyro
28 Spectaculars, Inc. and Astro Pyrotechnics, Inc. ("PSI"); (9) Raytheon Company;
(10) the City of Rialto and Rialto Utility Authority ("Rialto"); and (11) Trojan
Fireworks Company. (All parties identified immediately above are collectively
referred to as the "Settling Parties;" the United States, Colton, and Rialto are
collectively referred to as the "Governmental Parties," and all non-Governmental
Parties identified immediately above are collectively referred to as "Settling
Defendants").

² For the parties included in the terms "Settling Parties," "Governmental Parties,"
and "Settling Defendants" see footnote 1, above.

1 and among the Settling Parties and all other parties to the Consolidated Actions,
 2 except as set forth in paragraph 2, below;

3 2. The fact discovery deadlines set forth in paragraph 8 of CMO No. 1
 4 (Dkt. No. 601), involving the United States and Goodrich Corporation shall remain
 5 as set forth in paragraph 2 of Order (Dkt. # 1432), entered on April 4, 2012, unless
 6 otherwise modified by court order subject to any appeal;

7 3. All objections to the fact discovery which were preserved by paragraph
 8 3 of Order (Dkt. # 1432), entered on April 4, 2012, shall continue to be preserved; in
 9 the event that a tentative settlement agreement as to a particular party or parties is
 10 not finalized and approved by the Court, any pending discovery motion directed at
 11 that party or parties which was withdrawn pursuant to Order (Dkt. # 1432), entered
 12 on April 4, 2012, may be re-noticed; and

13 IT IS HEREBY FURTHER ORDERED, with regard to expert witness
 14 discovery and other related pre-trial dates, that paragraph 8 of CMO No. 1 (Dkt. #
 15 601), as amended by Order (Dkt. # 1432), is further amended as follows:

16	Task	Current Date	New Date
17	Status Conference	N/A	September 10, 2012
18	Expert witness disclosures exchanged	August 13, 2012	November 13, 2012
19	Rebuttal expert witness disclosures exchanged	October 15, 2012	January 14, 2013
20	Expert discovery closes	January 30, 2013	April 30, 2013
21	Deadline for filing dispositive motions	November 30, 2012	February 28, 2013
22	Pretrial Status Conference	January 14, 2013	April 15, 2013
23	Trial Date	March 25, 2013	June 24 ²⁵ , 2013

1 IT IS HEREBY FURTHER ORDERED that the Court shall hold a status
2 conference on September 10, 2012, at 3 p.m., at which time the parties shall advise
3 the Court of the status of all settlements. Five court days prior to the status
4 conference, the parties shall file a Joint Status Report.

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Dated: June 8, 2012

PHILIP S. GUTIERREZ

Judge Philip S. Gutierrez
United States District Court