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Counsel for Third-Party Defendant
R.R. STREET & CO. INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

UNITED STATES OF AMERICA,	)	No. 1:07-cv-00491-LJO-GSA
)	
Plaintiff,)	
	)	JOINT REQUEST FOR CONTINUANCE
v.	)	OF HEARING ON THIRD-PARTY
	)	DEFENDANT R.R. STREET & CO. INC.’S
STEPHEN C. LYON, et al.,	)	MOTION FOR SUMMARY JUDGMENT
	)	[L.R. 78-230(g)]
Defendants/Third-Party Plaintiffs,)	
)	
v.)	
)	
THE DOW CHEMICAL COMPANY, et al.,)	
)	
Third-Party Defendants.	)	Hearing Date: August 17, 2009
	)	Time: 8:30 a.m.
AND ALL RELATED CROSS-CLAIMS	)	Courtroom: 4
AND THIRD-PARTY CLAIMS.	)	Judge: Hon. Lawrence J. O’Neill
)	

Pursuant to Local Rule 78-230(g), Third-Party Defendant R.R. Street & Co. Inc. (“Street”) and Defendants/Third-Party Plaintiffs Stephen C. Lyon, Suzanne S. Lyon, Russell R. Tonda, and Diane M. Tonda as individuals, and Rajendra Jamnadas as the personal representative of the Estate of Shantilal Jamnadas (collectively, “Third-Party Plaintiffs”), respectfully request a continuance of

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the hearing on Street's pending motion for summary judgment against Third-Party Plaintiffs. In support of this request, Street and Third-Party Plaintiffs would show the following:

1. Street filed its motion for summary judgment on July 17, 2009 and properly set the motion for hearing on August 17, 2009 (Doc. 374).
2. Third-Party Plaintiffs have approached Street requesting a 60-day continuance of such hearing, and Street is amenable to such request.
3. Continuing the scheduled hearing to Tuesday, October 20, 2009, at 8:30 a.m. would accommodate Third-Party Plaintiffs' request.
4. Third-Party Plaintiffs have agreed to file their oppositions to Street's motion on or before September 28, 2009.
5. Although Third-Party Plaintiffs do not waive any right to request an additional continuance from the Court, Street respectfully informs Third-Party Plaintiffs and the Court that Street will oppose any additional continuance.

Accordingly, Street and Third-Party Plaintiffs request that the hearing on Street's motion for summary judgment against Third-Party Plaintiffs be continued to Tuesday, October 20, 2009, at 8:30 a.m., and that any opposition to the motion be filed on or before September 28, 2009.

Dated: July 30, 2009.

Respectfully submitted,

/s/ Eric Grant

Eric Grant
John B. Thomas
Brian M. Keller
Hicks Thomas LLP

Counsel for Third-Party Defendant
R.R. STREET & CO. INC.

ROGERS JOSEPH O'DONNELL

By: /s/ Aaron P. Silberman
(as authorized on this date)

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Cross-Defendants and Third-Party Plaintiffs
STEPHEN C. LYON; SUZANNE S. LYON;
RUSSELL R. TONDA; DIANE M. TONDA

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By: /s/ KEITH D. CHIDLAW
(as authorized on this date)

KEITH D. CHIDLAW

Attorneys for Defendant and Third-Party
Plaintiff RAJENDRA JAMNADAS,
personal representative of the ESTATE
OF SHANTILAL JAMNADAS

IT IS SO ORDERED.

The Motion Hearing currently set for 8/17/09 has been CONTINUED to 10/27/09 at
8:30am. The Court is unavailable on 10/20/09 as requested.

Date: July 31, 2009

/s/ Lawrence J. O'Neill
Honorable Lawrence J. O'Neill
United States District Judge