

# HINES SMITH CARDER LEASURE DINCEL

ATTORNEYS AT LAW

LAS VEGAS OFFICE  
5940 S. RAINBOW BLVD.  
LAS VEGAS, NV 89118  
TEL: (702) 933-7829  
FAX: (702) 947-6757

SAN FRANCISCO BAY AREA  
25 METRO DRIVE  
SUITE 600  
SAN JOSE, CA 95110  
TEL: (408) 573-5725  
FAX: (408) 519-2606

3080 BRISTOL STREET  
SUITE 540  
COSTA MESA, CA, 92626  
TEL: (714) 513-1122  
FAX: (714) 513-1123

WWW.HINESSMITH.COM

LOS ANGELES OFFICE  
515 S. FLOWER ST.  
36TH FLOOR  
LOS ANGELES, CA 90071  
TEL: (213) 542-1979  
FAX: (213) 226-5467

PENNSYLVANIA OFFICE  
21 EAST 5TH AVENUE  
SUITE 101  
CONSHOHOCKEN, PA 19428  
TEL: (610) 862-4373  
FAX: (610) 340-2219

September 10, 2009

Sent Via US MAIL

Brian Kelleher  
Kelleher & Associates  
5655 Silver Creek Valley Road  
PMB 281  
San Jose, Ca 95138

Re: Pearce v. Thompson;  
900 Central Avenue, Alameda, Ca (site)

Mr. Kelleher,

We recently spoke with our clients, Karen and Gary Pearce, the owners of the property located at 900 Central Avenue, about the contents of your report dated August 27, 2009. We explained the delays associated with the remediation work to be conducted by RRM, the county's rejection of RRM's recommendations, and the county's resultant directive. Mr. and Mrs. Pearce were disappointed when they were informed of the likely delays in the clean up project as well as the withdrawal of previously anticipated monies from the UST Fund.

While we can appreciate the unpredictability of the county's approval of RRM's proposal as well as the state's economic crisis and its long-reaching effects, our clients would like to reiterate their desire to have this matter resolved as expeditiously as possible. To that end, please advise us of the following: (1) when RRM is scheduled to provide the county with the additional site investigations and CAP info as per its directive; and (2) when the county will likely issue its decision for the remediation work proposed by RRM, thus triggering the 30 day public comment period.

Given the fact that winter (and the accompanying wet weather of winter and spring) is right around the corner, our clients fear that even a brief postponement of RRM's efforts to obtain county approval for the clean up may result in a long and unwanted delay in the commencement of the work, perhaps even until next summer. Litigation in this matter has been ongoing for

approximately *13 years* so I am sure you can appreciate our client's desire to complete the remediation as soon as possible.

Regards,

A handwritten signature in cursive script that reads "Julie Rogers". The signature is written in black ink and is positioned above the printed name.

Julie Rogers

Hines Smith Carder Leasure Dincel

25 Metro Drive, Suite 600

San Jose, Ca 95110

Direct: (408)573-5728

Fax: (408)519-2606

e-mail: [jrogers@hinessmith.com](mailto:jrogers@hinessmith.com)