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(SPACE BELOW FOR FILING STAMP ONLY)

Attorneys for Plaintiffs/ Defendants/Cross-Defendants
FOX HOLLOW OF TURLOCK OWNERS
ASSOCIATION and CALIFORNIA EQUITY
MANAGEMENT GROUP, INC. and Defendant/Cross-
Defendant ANDREW KATAKIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FOX HOLLOW OF TURLOCK
OWNERS' ASSOCIATION, a California
Nonprofit Mutual Benefit Corporation,

Plaintiff,

v.

RICHARD SINCLAIR, an individual; et
al.,

Defendants.

Case No. CIV-F-03-5439 OWW DLB

(Consolidated with 1:03-CV-5774 OWW SMS)
and Stanislaus County Superior Court Case No.
322675

**EX PARTE APPLICATION TO EXTEND
DISCOVERY CUT-OFF AS TO
DEPOSITIONS OF MR. MAUCHLEY, MR.
FLAKE AND MR. KATAKIS ONLY; AND
ORDER THEREON**

AND CONSOLIDATED ACTIONS

APPLICATION

I, D. Greg Durbin, do hereby declare and state:

1. Your declarant is a member of the firm McCormick, Barstow, Sheppard,
Wayte & Carruth LLP, attorneys of record herein for Plaintiffs FOX HOLLOW OF TURLOCK
OWNERS' ASSOCIATION and CALIFORNIA EQUITY MANAGEMENT GROUP, INC., and

1 Defendant (in one of the consolidated actions) ANDREW KATAKIS (collectively the
2 “CEMG/Fox Hollow Parties”) and as such is a duly licensed and practicing attorney before all
3 courts in the State of California and in this court.

4 2. Your declarant is lead counsel on behalf of the CEMG/Fox Hollow Parties
5 in this action and makes this declaration of his own personal knowledge.

6 3. Your declarant applies on behalf of the CEMG/Fox Hollow Parties, for an
7 order of this court extending the current discovery cut-off of June 15, 2011, for the depositions of
8 Gregory Mauchley, Stanley Flake and Andrew Katakis, up to and including Friday, July 29, 2011.

9 4. Good cause supports this request in that, among other things:

10 a. The CEMG/Fox Hollow Parties filed a motion to compel further
11 written responses, further production of documents, and for sanctions against various Defendants,
12 including Defendant Gregory Mauchley, which such motion as to Mr. Mauchley only has been
13 continued to July 8, 2011, to afford time for Mr. Mauchley to provide supplemental written
14 responses and a production of documents.

15 b. Mr. Mauchley’s deposition, that is currently set for June 9, 2011, in
16 Salt Lake City, Utah, would occur without the benefit of the supplemental responses and
17 production, and accordingly the CEMG/Fox Hollow Parties wish to avoid the risk of the need to
18 reconvene Mr. Mauchley’s deposition and so request that discovery cut-off be extended with
19 respect to his deposition so that it could occur after the supplemental responses and production
20 are provided (and if necessary, the resolution by the court of any remaining issues).

21 c. The CEMG/Fox Hollow Parties have noticed the deposition of
22 Defendant Stanley Flake for June 14, 2011.

23 d. The attorneys for Mr. Mauchley have advised that they wish to take
24 the deposition of Mr. Katakis and Mr. Mauchley’s counsel and CEMG’s counsel have agreed to
25 the date of June 15, 2011.

26 e. Counsel for the CEMG/Fox Hollow Parties, Mr. Mauchley, Mr.
27 Flake, wish to conduct all three depositions in California and Mr. Mauchley has agreed to come
28 to California, with the goal of having the depositions occur in a three day sequence that is

1 2. The current discovery cut-off of June 15, 2011, be extended up to and including
2 July 29, 2011, with respect to the taking of a one day deposition of Stanley Flake noticed by the
3 CEMG/Fox Hollow Parties; and

4 3. The current discovery cut-off of June 15, 2011, be extended up to and including
5 July 29, 2011, with respect to the taking of a one day deposition of Andrew Katakis to be noticed
6 by the Mr. Mauchley.

7 4. Except as set forth herein, this order does not otherwise continue any of the dates
8 set out in the Supplemental Scheduling Conference Order filed August 20, 2010 [Docket # 429].

9
10 IT IS SO ORDERED.

11 Dated: June 3, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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