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6 Attorneys for Plaintiff  
 CENTEX HOMES

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

11 CENTEX HOMES,  
 12 Plaintiff,  
 13 vs.  
 14 FINANCIAL PACIFIC INSURANCE  
 COMPANY, AMERICAN STATES  
 15 INSURANCE COMPANY, SAFECO  
 INSURANCE COMPANY and CARR  
 16 BUSINESS ENTERPRISES, INC.,  
 17 Defendants.

Case No.: 1:07-CV000567-AWI-SMS  
 STIPULATION AND ORDER TO EXTEND  
 CERTAIN PRE-TRIAL DEADLINES AND  
 TRIAL  
 Courtroom: 7  
 Magistrate Judge: Honorable Sandra M. Snyder  
 Current Trial Date: March 16, 2010

18 RELATED CROSS/COUNTER-CLAIMS  
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 21 Pursuant to the telephonic conference among the parties and the Court on October 15,  
 22 2009, the parties to the action, through their respective counsel, hereby agree and stipulate as  
 23 follows, and request that the Court enter the following order approving the stipulation:

24 WHEREAS Case Nos. 1:07-CV000567, 1:07-CV000568, 1:07-CV000569, and 1:07-  
 25 CV000570, which are all in this Court and include this action, while not consolidated, are related to  
 26 some degree by virtue of Plaintiff and Defendant Financial Pacific Insurance Company being parties  
 27 to all four cases and Plaintiff having similar claims against the Defendants;

1           WHEREAS certain discovery issues are common to each of the four cases, and the parties  
2 seek extension of certain pre-trial deadlines applicable to all four case based on the following facts;

3           WHEREAS the cases involve claims concerning numerous underlying state court actions  
4 for construction defects in which there were hundreds of underlying plaintiffs;

5           WHEREAS the parties are still diligently exchanging documentation, made more time  
6 consuming because of difficulty in locating and producing certain documents relevant to their  
7 claims and defenses;

8           WHEREAS the parties, by and through their respective counsel, are still working to resolve  
9 issues related to document conversion, accessibility and production, as well as to informally resolve  
10 various discovery disputes that have arisen;

11           WHEREAS the parties have previously requested extension of discovery deadlines but  
12 realize they will be unable to complete discovery by the current discovery deadlines for the reasons  
13 mentioned above;

14           WHEREAS the person most knowledgeable for Defendant CARR BUSINESS  
15 ENTREPRISES, INC. has, until recently, been unavailable for deposition;

16           WHEREAS, the parties have met and conferred on pre-trial deadlines and declare that this  
17 stipulation has been entered into based on a good faith analysis of the time necessary to conclude  
18 their discovery based on facts known to them at this time, and of the need to have non-expert  
19 discovery completed prior to expert disclosures;

20           WHEREAS, the mediation, previously scheduled for September 1, 2009, has been  
21 continued to December 15, 2009 due to trial conflicts of defense counsel and to allow parties to  
22 complete discovery;

23           IT IS HEREBY STIPULATED by and among the parties to this action, through their  
24 respective counsel below, that the following deadlines may be extended as set forth below:

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<u>Event</u>	<u>Current deadline</u>	<u>Revised deadline</u>
Close of non-expert discovery	11/6/09	4/2/10
Expert disclosure	11/20/09	4/16/10
Supplemental expert disclosure	12/04/09	4/30/10
Close of expert discovery	12/18/09	5/21/10
Filing dispositive motion	12/24/09	5/28/10
Filing non-dispositive motion (except re expert witness discovery)	12/24/09	5/28/10
Filing motion re expert witness discovery	12/24/09	6/4/10
Pre-trial conference date	1/29/10	7/9/10
Trial Date	3/16/10	8/24/10

DATED: October 28, 2009

HOWREY LLP

By  /s/ Daven G. Lowhurst  
DAVEN G. LOWHURST  
Attorneys for Plaintiff CENTEX HOMES

DATED: October 28, 2009

FOTOUHI EPPS HILLGER GILROY LLP

By  /s/ Mark Divelbiss  
MARK DIVELBISS  
Attorneys for Defendant and Cross-Claimant  
FINANCIAL PACIFIC INSURANCE COMPANY

DATED: October 28, 2009

ANWYL SCOFFIELD & STEPP, LLP

By  /s/ Pamela Lewis  
PAMELA LEWIS  
Attorneys for Defendant CARR BUSINESS  
ENTERPRISES, INC.

1 DATED: October 28, 2009

ARCHER NORRIS PLLC

2

By  /s/ Sean White

3

SEAN WHITE

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Attorneys for Defendant and Cross-Claimant

FINANCIAL PACIFIC INSURANCE COMPANY

5 DATED: October 28, 2009

SINNOTT, DITO, MOURA & PUEBLA P.C.

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By  /s/ Stephen Wong

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STEPHEN WONG

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Attorneys for Cross-Defendant AMERICAN STATES

INSURANCE COMPANY

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1 **RULE 7-131(e) CERTIFICATION**

2 I, Aaron R. Gruber, hereby attest, pursuant to Rule 7-131(e), that each of the other counsel  
3 identified above have authorized the submission of this Stipulation and [Proposed] Order on that  
4 counsel's behalf. Executed this 28<sup>th</sup> day of October, 2009, at San Francisco, California.

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6 /s/ Daven G. Lowhurst

Daven G. Lowhurst

7 Attorney for Plaintiff CENTEX HOMES

8 **ORDER**

9 The parties having so stipulated, and good cause appearing, the Court hereby revises its  
10 current Scheduling Conference Order to incorporate the revised deadlines set forth below:

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<u>Event</u>	<u>Current deadline</u>	<u>Revised deadline</u>
12 Close of non-expert discovery	11/6/09	4/2/10
13 Expert disclosure	11/20/09	4/16/10
14 Supplemental expert disclosure	12/04/09	4/30/10
15 Close of expert discovery	12/18/09	5/21/10
16 Filing dispositive motion	12/24/09	5/28/10
17 Filing non-dispositive motion (except re 18 expert witness discovery)	12/24/09	5/28/10
19 Filing motion re expert witness discovery	12/24/09	6/4/10
20 Pre-trial conference date	1/29/10	7/9/10 at 21 8:30a.m. (AWI)
22 Trial Date	3/16/10	8/24/10 at 8:30 23 a.m. (AW)

24 **IT IS SO ORDERED.**

25 **Dated: November 3, 2009**

/s/ Sandra M. Snyder

26 **UNITED STATES MAGISTRATE JUDGE**