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| 1 2 3 4 5 6 | James J. Braze, Esq.; SBN 75911 Jeffrey A. Travis, Esq.; SBN 235507 BORTON PETRINI, LLP 5060 California Avenue, Suite 700 Post Office Box 2026 Bakersfield, CA 93303 Telephone (661) 322-3051 email: jbraze@bortonpetrini.com email: jtravis@bortonpetrini.com | |
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| 7 | McIntosh & Associates | |
| 8 | UNITED STATES DISTRICT COURT | |
| 9 | EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION | |
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| 11 | ROGER McINTOSH, | Case No. 1:07-CV- 01080 LJO-GSA |
| 12 | Plaintiff, | JOINT STIPULATION IN SUPPORT OF PARTIAL WITHDRAWAL OF MOTION |
| 13 | v. | TO EXTEND DISCOVERY FOR |
| 14 | | DATE: August 21, 2009 |
| 15 | corporation; LOTUS DEVELOPMENTS, LLP; THE CITY OF WASCO, a municipal | TIME: 9:30 a.m. DEPT.: 10 |
| 16 17 | corporation; DEWALT CM, INC., a California corporation also doing business as DEWALT CORPORATION; and DOES 1 through 10, | |
| 18 | inclusive | |
| 19 | Defendants. | |
| 20 | | |
| 21 | STIPULATION TO EX | XTEND DISCOVERY |
| 22 | WHEREFORE, counsel for Northern California Universal Enterprises Company and | |
| 23 | Lotus Developments, LLP (collectively "Northern") and plaintiff Roger McIntosh have continued | |
| 24 | to meet and confer regarding the dispute underlying the recent re-filed motion; | |
| 25 | WHEREFORE, the parties have agreed that, as to Northern, limited discovery would | |
| 26 | be acceptable for the specific purposes outlined below; | |
| 27 | WHEREFORE, to obtain these facts, the undersigned believe extending discovery | |
| 28 | will serve the interests of all parties' claims; | |
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| 1 | WHEREFORE, each of the parties are acting in good faith and have not brought this | | |
| 2 | Stipulation for any improper purpose; and | | |
| 3 | THEREFORE, IT IS HEREBY STIPULATED by and between Jeffrey A. Travis of | | |
| 4 | Borton Petrini, LLP, counsel for plaintiff and Steven J. Hassing of the Law Offices of Steven J. | | |
| 5 | Hassing, counsel for Northern that discovery be extended as follows: | | |
| 6 | 1. Northern will make a person most knowledgeable available for deposition on | | |
| 7 | the specific topic of profits and loss relating to Valley Rose Estate Subdivision and which will take | | |
| 8 | no longer than one hour; | | |
| 9 | 2. Prior to August 12, 2009, Northern will provide supplemental responses | | |
| 10 | without objections to plaintiff's Request for Admissions (Set No. Two) propounded on Northern; | | |
| 11 | 3. Prior to August 12, 2009, Lotus will provide supplemental responses without | | |
| 12 | objections to plaintiff's Request for Admissions (Set No. Two) propounded on Lotus. | | |
| 13 | 4. Prior to August 12, 2009, Northern will provide supplemental responses | | |
| 14 | without objections to plaintiff's Request for Production of Documents (Set No. Three) propounded | | |
| 15 | on Northern; | | |
| 16 | 5. Prior to August 12, 2009, Lotus will provide supplemental responses without | | |
| 17 | objections to plaintiff's Request for Production of Documents (Set No. Three) propounded on Lotus; | | |
| 18 | 6. Northern will not object to the taking of the deposition of Josh Woodard and | | |
| 19 | provided there are no calendaring conflicts; and | | |
| 20 | 7. Those parts of the recently filed motion that relate to the above topics shall | | |
| 21 | be withdrawn pursuant to this Stipulation. | | |
| 22 | DATED: August 5, 2009 | | |
| 23 | BORTON PETRINI, LLP | | |
| 24 | | | |
| 25 | | | |
| 26 | By: /s/ Jeffrey A. Travis Jeffrey A. Travis, Attorney for Plaintiff, Bager Melletech des Melletech & Associates | | |
| 27 | Roger McIntosh dba McIntosh & Associates | | |
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| 1 | DATED: August _5, 2009 | LAW OFFICES OF STEVEN J. HASSING |
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| 2 | | |
| 3 | | |
| 4 | | By: /s/ Steven J. Hassing Steven J. Hassing, Attorney for Defendants, Northern California Universal Enterprises Company and Lotus Developments, LLP |
| 5 | | California Universal Enterprises Company and Lotus Developments, LLP |
| 6 7 | | ODDED |
| 7 | | ORDER |
| 8 | IT IS SO ORDERED. | |
| 9 | Dated: <u>August 6, 2009</u> | /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE |
| 10 | | UNITED STATES MAGISTRATE JUDGE |
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