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 dba WOOLF ENTERPRISES and HARRIS
 12 WOOLF ALMONDS

13 UNITED STATES DISTRICT COURT
 14 EASTERN DISTRICT OF CALIFORNIA
 15 FRESNO DIVISION

17 CALIFORNIA VALLEY LAND
 COMPANY dba WOOLF
 18 ENTERPRISES; and HARRIS WOOLF
 ALMONDS

CASE NO: 1:11-CV-01362-AWI-SMS

19 Plaintiff,

20 vs.

**STIPULATION TO MODIFY SCHEDULING
 CONFERENCE ORDER; SUPPORTING
 DECLARATIONS OF GEORGE W.
 DOWELL AND TARA K. CLANCY;
 ORDER THEREON**

21 ROSS SYSTEMS, INC; CDC
 22 SOFTWARE, INC.; CDC SOFTWARE
 CORPORATION; and DOES 1 through
 23 100, inclusive,

24 Defendants.

25 1901.11579S

1 IT IS HEREBY STIPULATED, by and between, Plaintiffs CALIFORNIA VALLEY
 2 LAND COMPANY dba WOOLF ENTERPRISES and HARRIS WOOLF ALMONDS and
 3 Defendants ROSS SYSTEMS, INC; CDC SOFTWARE, INC.; and CDC SOFTWARE
 4 CORPORATION that the Scheduling Conference Order issued on February 6, 2012 may be
 5 modified so that the trial date is continued one hundred and twenty (120) days to **July 15, 2013**.
 6 Furthermore, the parties stipulate that related discovery, motion, and court dates set forth in said
 7 Order may be modified by one hundred and twenty (120) days, as follows:

	<u>Original Date:</u>	<u>New Date:</u>
<u>Expert Disclosure Deadline:</u>	10/05/12	02/05/13
<u>Supplemental Expert Disclosure Deadline:</u>	10/19/12	02/19/13
<u>Discovery Deadline (Non-Expert):</u>	10/19/12	02/19/13
<u>Discovery Deadline (Expert):</u>	11/09/12	03/08/13
<u>Settlement Conference:</u>	11/14/12	1/18/13
<u>Non-Dispositive Motion Filing Deadline:</u>	11/15/12	03/15/13
<u>Dispositive Motion Filing Deadline:</u>	12/07/12	04/05/13
<u>Pre-Trial Conference:</u>	1/25/13 at 8:30 a.m. Courtroom 2/AWI	5/24/13 at 8:30 a.m. Courtroom 2/AWI
<u>Trial Date:</u>	3/11/13 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)	7/15/13 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)

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This stipulation is made in accordance with Federal Rule of Civil Procedure Rule 16(b)(4), United States District Court Eastern District Local Rule 143, and the provisions of this Court’s February 6, 2012 Scheduling Conference Order.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD:

Dated: September 26, 2012

BROWN EASSA & McLEOD LLP

By: /s/ Tara Clancy
ROBERT D. EASSA
TARA K. CLANCY
Attorneys for Defendants
ROSS SYSTEMS, INC.;
CDC SOFTWARE CORPORATION; and
CDC SOFTWARE, INC.

Dated: October 1, 2012

WILLOUGHBY, STUART & BENING

By: /s/ George W. Dowell
ALEXANDER F. STUART
GEORGE W. DOWELL
Attorneys for Plaintiffs
CALIFORNIA VALLEY LAND
COMPANY dba WOOLF ENTERPRISES
and HARRIS WOOLF ALMONDS

DECLARATION OF TARA K. CLANCY

I, TARA K. CLANCY, declare as follows:

1. I am an attorney at law admitted to practice before the courts of the State of California and the United States District Court for the Eastern District of California. I am an attorney with the law firm of Brown, Eassa, & McLeod LLP, counsel of record for defendants Ross Systems, Inc.; CDC Software Corporation; and CDC Corporation (collectively “Defendants”) in the above-referenced matter. The facts set forth in this declaration are based on my personal knowledge, on matters of which I am informed as counsel, and on my review of the firms’ papers and records. If sworn as a witness, I could and would testify competently to these facts.

2. After the commencement of this action, the parties engaged in an early attempt to resolve this dispute by way of mediation at JAMS on January 12, 2012, prior to undertaking significant discovery. As the parties were unable to resolve the dispute at that time, the parties appeared telephonically at an initial scheduling conference on January 31, 2012. This Court issued a Scheduling Conference Order on February 6, 2012. Thereafter, the parties began conducting non-expert discovery by propounding special interrogatories and requests for production of documents. In light of the extensive nature of the information requested, the parties granted mutual extensions of time to respond to the discovery requests. In accordance with Federal Rule of Civil Procedure Rules 29, 33, and 34, and Local Rule 143, counsel for both parties filed their respective stipulations regarding these extensions of time on June 19, 2012 (Defendants’ Responses), July 16, 2012 (Defendants’ Responses), and July 31, 2012 (Plaintiffs’ Responses).

3. Although the parties have served verified written discovery responses, the parties have not yet produced responsive documents, pending the final execution and entry of a stipulated protective order that is acceptable to both sides. Over the course of the past several weeks, the parties have been meeting and conferring regarding the parameters of an acceptable protective order, given that disclosure of information in this case will lead to the release of confidential, proprietary information, and trade secrets. On September 18, 2012, George Dowell (Plaintiffs’

1 counsel) indicated to me that Plaintiffs will agree to the stipulated protective order as proposed by
2 Defendants. Once the stipulated protective order is finalized and executed by the parties, it will
3 be submitted forthwith to this Court for consideration, and if acceptable, entry of the order.

4 4. In light of the foregoing, I believe that good cause exists for granting the parties
5 additional time to complete non-expert discovery proceedings, including document review and
6 depositions, so that they may prepare the case for trial. The current deadline for completing non-
7 expert discovery proceedings is October 19, 2012. Given that the parties will have executed the
8 stipulated protective order a few weeks before this deadline, it will not be possible to complete
9 non-expert discovery by the current deadline of October 19, 2012. I recently met and conferred
10 with Plaintiff's counsel, George Dowell, and we believe that at this juncture, an extension of 120
11 days will afford the parties with a reasonable amount of time to complete the necessary discovery
12 while also advancing this case towards trial or other resolution.

13 I declare under penalty of perjury, under the laws of the State of California, that the
14 foregoing is true and correct.

15 Executed this 1st day of October, 2012 at Oakland, California.

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17 /s/ Tara Clancy
18 TARA K. CLANCY

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DECLARATION OF GEORGE W. DOWELL

I, GEORGE W. DOWELL, declare as follows:

1. I am an attorney at law admitted to practice before the courts of the State of California and the United States District Court for the Eastern District of California. I am an attorney with the law firm of Willoughby, Stuart & Bening, counsel of record for Plaintiffs California Valley Land Company and Harris Woolf Almonds (collectively "Plaintiffs") in the above-referenced matter. The facts set forth in this declaration are based on my personal knowledge, on matters of which I am informed as counsel, and on my review of the firms' papers and records. If sworn as a witness, I could and would testify competently to these facts.

2. Following the commencement of this action, the parties engaged in early settlement efforts which proved fruitless. Shortly thereafter, the parties exchanged written discovery and requests for the production of documents.

3. Due to scheduling conflicts the responsive dates for the discovery responses were continued for both sides pursuant to stipulations filed with this Court. In addition to the extensions of time, there have been ongoing discussions about the need for a Protective Order in this matter. After a lengthy meet and confer period, the parties have agreed to submit stipulated Protective Order for this Court's consideration. Upon entry of that order, or some variant thereto, the parties will exchange documents.

4. There is good cause to continue the trial and related dates based on the parties efforts to resolve the discovery disputes to date and need to conduct depositions of relevant witnesses following review of the documents sought in discovery. The parties believe that the brief extension of time sought in this Stipulation will provide ample opportunity to review the produced documents and conduct the necessary depositions.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 1st day of October, 2012 at San Jose, California.

/s/ George W. Dowell
GEORGE W. DOWELL

ORDER

Pursuant to the parties' Stipulation to Modify Scheduling Conference Order submitted herewith, the supporting declarations of George W. Dowell and Tara K. Clancy; and good cause showing, IT IS HEREBY ORDERED that the dates set forth in the Scheduling Conference Order issued on February 6, 2012 be modified as follows:

Trial in this matter is hereby continued one hundred and twenty (121) days to **July 16, 2013**. Furthermore, the following dates shall be extended by one hundred and twenty (121) days, with the new dates set as reflected below:

	<u>Original Date:</u>	<u>New Date:</u>
<u>Expert Disclosure Deadline:</u>	10/05/12	02/05/13
<u>Supplemental Expert Disclosure Deadline:</u>	10/19/12	02/19/13
<u>Discovery Deadline (Non-Expert):</u>	10/19/12	02/19/13
<u>Discovery Deadline (Expert):</u>	11/09/12	03/08/13
<u>Settlement Conference:</u>	11/14/12	1/22/13 at 10:30
<u>Non-Dispositive Motion Filing Deadline:</u>	11/15/12	03/15/13
<u>Dispositive Motion Filing Deadline:</u>	12/07/12	04/05/13
<u>Pre-Trial Conference:</u>	1/25/13 at 8:30 a.m. Courtroom 2/AWI	5/24/13 at 8:30 a.m. Courtroom 2/AWI
<u>Trial Date:</u>	3/11/13 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)	7/16/13 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)

All other matters contained in this Court's initial Scheduling Conference Order issued on February 6, 2012 shall remain in full effect as though completely restated herein.

IT IS SO ORDERED.

Dated: 10/4/2012

/s/ SANDRA M. SNYDER

UNITED STATES MAGISTRATE JUDGE