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6 Attorneys for Defendants  
 ROSS SYSTEMS, INC.; CDC SOFTWARE  
 7 CORPORATION; and CDC SOFTWARE INC.

8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**

11 CALIFORNIA VALLEY LAND  
 12 COMPANY dba WOOLF ENTERPRISES,  
 and HARRIS WOOLF ALMONDS,  
 13  
 Plaintiff,  
 14  
 v.  
 15  
 ROSS SYSTEMS, INC; CDC  
 16 SOFTWARE, INC.; CDC SOFTWARE  
 CORPORATION; and DOES 1 through  
 17 100, inclusive,  
 18  
 Defendants.

No. 1:11-CV-01362-AWI-SMS

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

20 IT IS HEREBY STIPULATED, by and between, plaintiffs CALIFORNIA VALLEY  
 21 LAND COMPANY dba WOOLF ENTERPRISES and HARRIS WOOLF ALMONDS and  
 22 defendants ROSS SYSTEMS, INC; CDC SOFTWARE, INC.; and CDC SOFTWARE  
 23 CORPORATION that the Scheduling Conference Order issued on May 17, 2013 may be  
 24 modified so that the deadlines for non-expert and expert discovery, non-dispositive motions, and  
 25 dispositive motions may be continued as set forth below. The current settlement conference  
 26 date, pre-trial date, and trial date shall remain as currently set.

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	<b>Original Date Per 2/6/2012 Order:</b>	<b>Modified Date Per 10/4/12 Order:</b>	<b>Modified Date Per 5/17/13 Order:</b>	<b>New Proposed Date:</b>
<b>Expert Disclosure Deadline:</b>	10/05/12	02/05/13	07/22/13	10/4/13
<b>Supplemental Expert Disclosure Deadline:</b>	10/19/12	02/19/13	08/01/13	11/4/13
<b>Discovery Deadline (Non-Expert):</b>	10/19/12	02/19/13	08/01/13	9/13/13
<b>Discovery Deadline (Expert):</b>	11/09/12	03/08/13	08/19/13	12/20/13
<b>Settlement Conference:</b>	11/14/12	01/22/13 at 10:0 a.m.	11/12/13 at 10:00 a.m.	11/12/13 at 10:00 a.m.
<b>Non- Dispositive Motion Filing Deadline:</b>	11/15/12	03/15/13	09/03/13	9/27/13
<b>Dispositive Motion Filing Deadline:</b>	12/07/12	04/05/13	9/30/13	9/27/13
<b>Pre-Trial Conference:</b>	1/25/13 at 8:30 a.m. Courtroom2/AWI	05/24/13 at 8:30 a.m. Courtroom 2/AWI	12/11/13 at 8:30 a.m. Courtroom 2/AWI	12/11/13 at 8:30 a.m. Courtroom 2/AWI
<b>Trial Date:</b>	3/11/13 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)	3/11/13 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)	2/4/14 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)	2/4/14 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)

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1 This stipulation is made in accordance with Federal Rule of Civil Procedure Rule  
2 16(b)(4), United States District Court Eastern District Local Rule 143, and the provisions of this  
3 Court's initial February 6, 2012 Scheduling Conference Order.

4 **IT IS SO STIPULATED THROUGH COUNSEL OF RECORD:**

5 Dated: June 25, 2013

**SEDGWICK LLP**

6  
7 By: /s/ Tara Clancy /s/

8 ROBERT D. EASSA

9 TARA K. CLANCY

Attorneys for Defendants

10 ROSS SYSTEMS, INC.;

CDC SOFTWARE CORPORATION; and

11 CDC SOFTWARE, INC.

12 Dated: June 25, 2013

**WILLOUGHBY, STUART & BENING**

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15 By: /s/ George W. Dowell /s/

ALEXANDER F. STUART

16 GEORGE W. DOWELL

Attorneys for Plaintiffs

17 CALIFORNIA VALLEY LAND

COMPANY dba WOOLF ENTERPRISES

18 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 Sedgwick LLP, counsel of record for defendants Ross Systems, Inc.; CDC Software Corporation; and CDC Corporation (collectively “Ross”) 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. On February 6, 2012, this Court issued an initial Scheduling Conference Order setting a trial date of March 11, 2013. Since then, the parties have been diligently conducting non-expert discovery proceedings including written discovery and document exchanges. In light of the extensive nature of the information requested, the parties granted mutual extensions of time to respond to the discovery requests. The parties have exchanged additional discovery in June 2013. Based on this most recent exchange, the parties believe that additional depositions and written discovery will be necessary to prepare this case for trial.

3. Plaintiffs have taken the following depositions thus far: Andrew Buckland, Bob Gettings, and Jay Jordan. Ross has completed the depositions of Stephen Nazaroff, Joel Perkins, Lee Henriksen, and Mike Schilling. The parties anticipate that additional depositions will be necessary including depositions pursuant to Federal Rule of Civil Procedure, Rule 30(b)(6). The parties also intend to submit this case to a second mediation attempt prior to trial.

4. In light of the foregoing, good cause exists for granting the parties additional time to complete non-expert discovery proceedings and private mediation.

5. I have met and conferred with Plaintiffs’ counsel, George Dowell, and all parties are agreeable to the proposed scheduling order set forth above. The proposed scheduling order does not alter the settlement conference date, pre-trial date, or trial date set by this Court’s May 17, 2013 scheduling order.

Sedgwick<sup>LLP</sup>

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

3 Executed this 25<sup>th</sup> day of June, 2013 at San Francisco, California.

4  
5 /s/ Tara Clancy /s/  
6 TARA K. CLANCY

7 **DECLARATION OF GEORGE W. DOWELL**

8 I, GEORGE W. DOWELL, declare as follows:

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

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

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

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

1 produced documents and conduct the necessary depositions.

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

4 Executed this 25<sup>th</sup> day of June, 2013 at San Jose, California.

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/s/ George W. Dowell /s/  
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 May 17, 2013 be modified as follows:

	<b>Original Date Per 2/6/2012 Order:</b>	<b>Modified Date Per 10/4/12 Order:</b>	<b>Modified Date Per 5/17/13 Order:</b>	<b>New Proposed Date:</b>
<b>Expert Disclosure Deadline:</b>	10/05/12	02/05/13	07/22/13	10/4/13
<b>Supplemental Expert Disclosure Deadline:</b>	10/19/12	02/19/13	08/01/13	11/4/13
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<b>Trial Date:</b>	3/11/13 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)	3/11/13 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)	2/4/14 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)	2/4/14 at 8:30 a.m. Courtroom 2/AWI (JT ~ 3 weeks)
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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: 6/26/2013

/s/ SANDRA M. SNYDER

THE HONORABLE SANDRA M. SNYDER  
UNITED STATES MAGISTRATE JUDGE