

1 J. SCOTT SMITH, ESQ., SBN 151163
 2 **ANGELO, KILDAY & KILDUFF**
 3 Attorneys at Law
 4 601 University Avenue, Suite 150
 5 Sacramento, CA 95825
 6 Telephone: (916) 564-6100
 7 Telecopier: (916) 564-6263

8 Attorneys for Defendants COUNTY OF TEHAMA (also sued herein as Tehama County
 9 Planning Commission and Tehama County Board of Supervisors), JOHN STOUFER, and
 10 GEORGE ROBSON

11 **UNITED STATES DISTRICT COURT**
 12 **EASTERN DISTRICT OF CALIFORNIA**

13	7/11 MATERIALS, INC., a California Corporation and BASIC RESOURCES, INC., a California Corporation,)	Case No.: 2-08-CV-01373-MCE-EFB
14)	
15	Plaintiffs,)	STIPULATION TO EXTEND
16	vs.)	DISCOVERY DEADLINE IN
17)	PRETRIAL (STATUS) SCHEDULING
18	COUNTY OF TEHAMA, TEHAMA COUNTY PLANNING COMMISSION, TEHAMA COUNTY BOARD OF SUPERVISORS, JOHN STOUFER, et al.,)	ORDER; ORDER
19)	
20	Defendants.)	
21	_____)	

22 Plaintiffs 7/11 Materials, Inc. and Basic Resources, Inc. (collectively, "Plaintiffs"), by
 23 and through their attorneys, Altemus & Wagner and Downey Brand LLP, and Defendants
 24 County of Tehama, Tehama County Planning Commission, Tehama County Board of
 25 Supervisors, John Stoufer, and George Robson (collectively, "Defendants"), by and through their
 26 attorneys Angelo Kilday & Kilduff, hereby Stipulate and seek Court approval for the following:

27 ///
 28 ///

{00042425}

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION

The Parties have been working towards the completion of discovery in this action by the discovery completion date set forth in the Court’s Pretrial (Status) Scheduling Order entered October 30, 2008. Since this Court’s Scheduling Order, the Parties have occasionally voluntarily refrained from engaging in discovery in order to explore possibilities for settlement of this matter. The Court has since continued the trial date from September 27, 2010 to January 23, 2012. (Docket No. 31.) To that end, the Parties previously stipulated to extensions of the discovery deadline until February 30, 2010, which the Court signed into an Order.

Since the last stipulation two events have occurred which have made it difficult to complete discovery within the previously stated dates. First, the partner of Plaintiff’s lead council, Stewart Altemus, passed away substantially increasing Mr. Altemus’ case load and making the scheduling of depositions difficult. Second, the lead attorney for the defendants, J. Scott Smith, has accepted employment at a new law firm, Meyers Nave LLP, and will be leaving the firm of Angelo Kilday and Kilduff on September 17, 2010. It will take some time for new attorneys to be prepared to complete the needed discovery.

Therefore, the Parties therefore request to modify the Scheduling Order as follows:

1. All non-expert discovery to be completed by November 30, 2010;
2. Expert witness disclosures to be completed by December, 30 2010, with rebuttal experts to be disclosed 20 days thereafter;
3. Dispositive motions to be filed no later than February 28, 2011.

Dated: September 14, 2010

ANGELO, KILDAY & KILDUFF

/s/ J. Scott Smith

By: _____

J. SCOTT SMITH
Attorneys for Defendants COUNTY OF
TEHAMA, JOHN STOUFER, and
GEORGE ROBSON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: September 14, 2010

ALTEMUS & WAGNER

/s/ Stewart Altemus

By: _____
STEWART ALTEMUS
Attorney for Plaintiffs


ORDER

Accordingly, for good cause and pursuant to the above Stipulation of the Parties, IT IS
HEREBY ORDERED that:

- 1. All non-expert discovery is to be completed by November 30, 2010;
- 2. Expert witness disclosures are to be completed by December 30, 2010, and rebuttal experts to be disclosed 20 days thereafter;
- 3. All dispositive motions are to be filed no later than February 28, 2011;
- 4. All other dates set forth in the Court's December 29, 2009 Scheduling Order shall remain the same.

IT IS SO ORDERED.

Dated: September 14, 2010



 MORRISON C. ENGLAND, JR
 UNITED STATES DISTRICT JUDGE