

1 SEYFARTH SHAW LLP  
 Michael T. McKeeman (SBN 173662) mmckeeman@seyfarth.com  
 2 Robin M. Cleary (SBN 192489) rcleary@seyfarth.com  
 560 Mission Street, Suite 3100  
 3 San Francisco, California 94105  
 Telephone: (415) 397-2823  
 4 Facsimile: (415) 397-8549

5 Attorneys for Plaintiffs  
 CALPINE OPERATING SERVICES COMPANY, INC.  
 6 and CALPINE GILROY COGEN, LP

7 OSMAN & ASSOCIATES  
 Richard L. Scott  
 8 rlscott@travelers.com  
 1980 Orange Tree Lane, Suite 106  
 9 Redlands, California 92374  
 Telephone: (909) 792-0449  
 10 Facsimile: (909) 798-7896

11 Attorneys for Defendant  
 ELECTRICAL MAINTENANCE CONSULTANTS, INC.

12 MURCHISON & CUMMING, LLP  
 Richard C. Moreno  
 13 rmoreno@murchisonlaw.com  
 Lisa D. Angelo  
 14 langelo@murchisonlaw.com  
 801 South Grand Avenue, 9th Floor  
 15 Los Angeles, California 90017  
 Telephone: (213) 623-7400  
 16 Facsimile: (213) 623-6336

17 Attorneys for Third Party Defendant  
 18 E & M ELECTRIC & MACHINERY

19 UNITED STATES DISTRICT COURT  
 20 EASTERN DISTRICT OF CALIFORNIA

21	CALPINE OPERATING SERVICES	)	No. 2:09-CV-01495 GEB (DAD)
	COMPANY, INC., a Delaware Corporation;	)	
22	CALPINE GILROY COGEN, LP, a Delaware	)	<b>STIPULATION AND [PROPOSED]</b>
	Corporation,	)	<b>ORDER TO CONTINUE DISCOVERY</b>
23		)	<b>DEADLINE</b>
	Plaintiff,	)	
24	v.	)	
		)	
25	ELECTRICAL MAINTENANCE	)	
	CONSULTANTS, INC., a California	)	
26	Corporation, and DOES 1 through 100,	)	
	inclusive,	)	
27		)	
	Defendants.	)	
28	And Third Party Claims	)	
		)	

1 Plaintiffs Calpine Operating Services Company, Inc. and Calpine Gilroy Cogen, LP  
2 (collectively, "Calpine"), defendant and third-party plaintiff Electrical Maintenance and  
3 Consultants, Inc. ("EMC") and third-party defendant E&M Electric and Machinery, Inc.  
4 ("E&M"), by and through their respective attorneys of record, hereby stipulate and agree to the  
5 following:

6 1. Pursuant to the Court's August 18, 2009, Pre-Trial Scheduling Order, the  
7 discovery deadline in this action is September 22, 2010.

8 2. Trial is currently scheduled for April 19, 2011.

9 3. The parties informally mediated this case with Michael Ornstil of JAMS on July  
10 7, 2010. The case did not settle but the parties are still engaged in ongoing settlement  
11 discussions.

12 4. In light of the July 7, 2010 mediation, the parties conducted limited discovery in  
13 order to reduce any potentially unnecessary attorneys' fees and costs.

14 5. The parties have endeavored to complete discovery by the September 22, 2010  
15 deadline, but the scheduling of depositions has been challenging due to the witnesses and  
16 counsels' limited availability, including: (1) paternity leave for Calpine's lead trial counsel from  
17 July 26 - August 18, 2010; (2) limited availability of EMC's lead trial counsel due to: a 6-week  
18 trial from April 5 to May 14, a three-week vacation from May 17 - June 4, 2 trials in September  
19 and a two-week vacation in September; and (3) limited availability for numerous Calpine  
20 witnesses who are required to travel from out-of-state to be present for deposition.

21 6. Based on the foregoing, the parties stipulate and request a 30-day continuance of  
22 the discovery deadline.

23 7. This brief continuance of the discovery deadline will not affect any other dates,  
24 including the November 22, 2010 motion hearing deadline; the January 24, 2011 pre-trial  
25 conference; or the April 19, 2011 trial date.

26 8. This is the first continuance to the discovery deadline sought by the parties. The  
27 parties have stipulated, and the Court has granted, one extension to a continuance of the  
28 exchange of expert reports. The parties disclosed experts pursuant to the Court's Pre-Trial

1 Scheduling Order but the parties stipulated to a continuance of the exchange of expert reports in  
2 light of the July 7, 2010 mediation. No other extensions of time have been sought.

3 8. Based on the foregoing, the parties stipulate and respectfully request that the  
4 Court grant a 30-day extension of time from September 22, 2010 to October 22, 2010 for the  
5 parties to complete discovery.

6  
7 DATED: August 5, 2010

SEYFARTH SHAW LLP

8 By: /s/ Robin M. Cleary

Michael T. McKeeman

Robin M. Cleary

Attorneys for Plaintiffs

10 CALPINE OPERATING SERVICES

11 COMPANY, INC. and CALPINE GILROY

COGEN, LP

12 DATED: August 5, 2010

OSMAN & ASSOCIATES

14 By: /s/ Richard L. Scott

Richard L. Scott

Attorneys for Defendant

15 ELECTRICAL MAINTENANCE

16 CONSULTANTS, INC.

17 DATED: August 5, 2010

MURCHISON & CUMMING, LLP

18 By: /s/ Richard C. Moreno

Richard C. Moreno

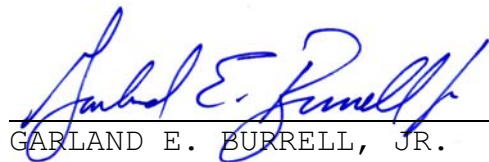
19 Lisa D. Angelo

Attorneys for Third Party Defendant

20 E & M ELECTRIC & MACHINERY

21  
22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 Dated: 8/9/10

24   
25 \_\_\_\_\_  
GARLAND E. BURRELL, JR.  
United States District Judge