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 17 CITIBANK (SOUTH DAKOTA), N.A.

18 **UNITED STATES DISTRICT COURT**
 19 **EASTERN DISTRICT OF CALIFORNIA**

21 ROSALEE HANSEN, an individual,
 22 Plaintiff,
 23 v.
 24 CITIBANK (SOUTH DAKOTA), N.A., and DOES 1
 through 100, inclusive,

Case No. 2:09-CV-02107-JAM-EFB

STIPULATION TO CONTINUE TRIAL
 DATES AND TRIAL RELATED
 DATES; ORDER

Date Filed: 02/02/2009

25
 26 And Related Cross-Claim
 27
 28

1 This Stipulation is entered into with respect to the following facts and circumstances:

2 1. WHEREAS, on August 11, 2010, plaintiff Rosalee Hansen (“Plaintiff”) and
3 defendant Citibank (South Dakota), N.A. (“Citibank”), through their counsel of record, appeared
4 before Magistrate Judge Edmund F. Brennan on three discovery related motions, including
5 Plaintiff’s motion to compel additional discovery responses and further production of documents,
6 Citibank’s motion for a protective order and Plaintiff’s motion to compel depositions;
7

8 2. WHEREAS, August 11, 2010 was the earliest date that the parties could schedule
9 the respective motions in light of Judge Brennan’s and counsel’s respective calendars;

10 3. WHEREAS, Judge Brennan granted Citibank’s motion for protective and granted
11 and denied in part Plaintiff’s motions;

12 4. WHEREAS, as part of Judge Brennan’s rulings, Citibank must produce additional
13 documents and produce additional Federal Rule of Civil Procedure 30(b)(6) witnesses for
14 deposition;
15

16 5. WHEREAS, Citibank requires time to locate and produce any additional responsive
17 documents and to locate and schedule the remaining witnesses, and at this time, Citibank estimates
18 that there may be an additional 5-10 persons that must be scheduled for deposition in light of Judge
19 Brennan’s rulings;
20

21 6. WHEREAS, Citibank previously noticed the deposition of Dr. Mark Holthouse, the
22 Plaintiff’s personal physician and a potential witness in this action, however, due to patient
23 schedule and a previously scheduled vacation, the parties will be unable to depose Dr. Holthouse
24 until August 26, 2010, which is after the current discovery cut-off of August 16, 2010;

25 7. WHEREAS, Plaintiff previously noticed the deposition of Phillips & Cohen
26 Associates, Ltd. (“P&C”), a debt collection agency utilized by Citibank and a potential witness in
27 this matter, however, in light of Citibank’s then pending motion for a protective order, the parties
28

1 had agreed, with P&C's consent, to continue the deposition of P&C to a mutually convenient date
2 and time after the Court ruled on such motion;

3 8. WHEREAS, pursuant to the Court's June 10, 2010 Order to Continue Trial Dates
4 and Trial Related Dates, the current schedule is as follows:

- 5 1) Discovery Cutoff August 16, 2010;
- 6 2) File Dispositive Motions September 22, 2010;
- 7 3) Dispositive Motion Hearing October 20, 2010 at 9:30 a.m.;
- 8 4) Final Pre-Trial Conference, December 17, 2010 at 3:00 p.m.; and
- 9 5) Trial, February 7, 2011 at 9:00 a.m.

10 9. WHEREAS, the parties work cooperatively to complete discovery as ordered by
11 Judge Brennan, and any pending discovery, in a timely fashion. However, in light of the broad
12 scope of discovery and the many witnesses that do not reside in California, the difficulties of
13 scheduling the depositions that need to be completed, the parties will be unable to complete the
14 necessary discovery and file dispositive motions under the current schedule.

15 10. WHEREAS, by this stipulation and order, the parties jointly seek to continue all
16 calendared dates for approximately 60 days from the currently scheduled dates or as soon thereafter
17 as the Court's schedule allows.

18 11. WHEREAS, in order to complete the additional discovery ordered by Judge
19 Brennan and to complete pending discovery, the parties' proposed schedule, subject to the Court's
20 availability, is as follows:

- 21 1) Discovery Cutoff, October 15, 2010;
- 22 2) File Dispositive Motions, December 15, 2010;
- 23 3) Dispositive Motion Hearing, January 12, 2011 at 9:30 a.m.;
- 24 4) Final Pre-Trial Conference, February 18, 2011 at 2 p.m.; and

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5) Trial, April 11, 2011 at 9:00 a.m.

12. WHEREAS, the parties previously sought a 45-day continuance of the dates in this action.

13. WHEREAS, good cause exists to continue the deadlines to permit time for the additional document production and depositions to be scheduled and completed, in light of the Court's recent discovery related rulings.

Based on the foregoing facts and circumstances, and good cause appearing therefore,

IT IS HEREBY STIPULATED as follows:

(1) In order to complete the additional discovery ordered by Judge Brennan and to complete pending discovery, the trial date and all other pretrial dates shall be continued approximately 60 days from the currently scheduled dates and the new schedule shall be as follows:

- 1) Discovery Cutoff, October 15, 2010;
- 2) File Dispositive Motions, December 15, 2010;
- 3) Dispositive Motion Hearing, January 12, 2011 at 9:30 a.m.;
- 4) Final Pre-Trial Conference, February 18, 2011 at 2 p.m.; and
- 5) Trial, April 11, 2011 at 9:00 a.m.

Dated: August 17, 2010

MAJORS & FOX LLP

By: /s/ Frank Fox
Frank Fox

AULT & ROBINSON, A.P.C.
LINDA S. ROBINSON
DAVID W. AULT

COUNTY OF EL DORADO
A.L. HAMILTON
Attorneys for Plaintiff/Cross-Defendant

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ROSALEE HANSEN

Dated: August 17, 2010

STROOCK & STROOCK & LAVAN LLP

By: /s/ Marcos D. Sasso
Marcos D. Sasso

Attorneys for Defendant/Cross-Complainant
CITIBANK (SOUTH DAKOTA), N.A.

ORDER

Good cause appearing in the parties' Stipulation,

IT IS ORDERED as follows:

(1) The trial date and all other pretrial dates shall be continued approximately 60 days

from the currently scheduled dates such that the new schedule shall be as follows:

- 1) Discovery Cutoff, October 15, 2010;
- 2) File Dispositive Motions, December 15, 2010;
- 3) Dispositive Motion Hearing, January 12, 2011 at 9:30 a.m.;
- 4) Final Pre-Trial Conference, February 18, 2011 at 2 p.m.; and
- 5) Trial, April 11, 2011 at 9:00 a.m.

IT IS SO ORDERED.

DATE: August 17, 2010

/s/ John A. Mendez
JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3 COUNTY OF SAN FRANCISCO) ss

4
5 I am employed in the County of Los Angeles, State of California, over the age of eighteen
6 years, and not a party to the within action. My business address is: 2029 Century Park East, Suite
7 1800, Los Angeles, California 90067-3086.

8 On August 17, 2010 I served the foregoing document(s) described as: **STIPULATION TO
9 CONTINUE TRIAL DATES AND TRIAL RELATED DATES; [PROPOSED] ORDER** on
10 the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope
11 addressed as follows:

12
13 Linda S. Robinson, Esq.
14 David Ault, Esq.
15 16236 San Dieguito Road, Suite 4-21
16 Rancho Santa Fe, CA 92067-4217
17

- 18 (VIA PERSONAL SERVICE) By causing to be delivered the document(s) listed
19 above to the person(s) at the address(es) set forth above.
20 (VIA U.S. MAIL) In accordance with the regular mailing collection and processing
21 practices of this office, with which I am readily familiar, by means of which mail is
22 deposited with the United States Postal Service at Los Angeles, California that same
23 day in the ordinary course of business, I deposited such sealed envelope, with postage
24 thereon fully prepaid, for collection and mailing on this same date following ordinary
25 business practices, addressed as set forth below.
26 (VIA FACSIMILE) By causing such document to be delivered to the office of the
27 addressee via facsimile.
28 (VIA OVERNIGHT DELIVERY) By causing such envelope to be delivered to the
office of the addressee(s) at the address(es) set forth above by overnight delivery via
Federal Express or by a similar overnight delivery service.

29 I declare that I am employed in the office of a member of the bar of this court whose
30 direction the service was made.

31 I declare under penalty of perjury under the laws of the State of California that the above is
32 true and correct.

33 Executed on August 17, 2010, at Los Angeles, California.

34
35 Lori A. Reed
36 [Type or Print Name]

37 /s/ Lori A. Reed
38 [Signature]