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5 Attorneys for Plaintiff
 UMPQUA BANK

7 UNITED STATES DISTRICT COURT
 8 EASTERN DISTRICT OF CALIFORNIA

10 UMPQUA BANK, an Oregon chartered bank,
 11 Plaintiff,
 12 vs.
 13 FIRST AMERICAN TITLE INSURANCE
 14 COMPANY, a California corporation,
 15 Defendant.

Case No. 2:09-03208 WBS EFB

**STIPULATION AND [PROPOSED]
 ORDER TO VACATE AND
 RESCHEDULE TRIAL DATE AND ALL
 PRETRIAL DEADLINES.**

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1 **WHEREAS** Plaintiff Umpqua Bank (“Umpqua”) and Defendant First American Title
2 Insurance Company (“First American”) are presently engaged in discussions to resolve the
3 claims and disputes between them, which will be hindered if the June 9, 2010 pretrial scheduling
4 order, and its related deadlines remain on calendar;

5 **WHEREAS** Umpqua and First American are presently engaged in discovery in the
6 above-captioned action, including the exchange of documents and information related to their
7 respective claims and defenses;

8 **WHEREAS** a dispute has recently arisen between Umpqua and First American
9 concerning whether certain documents in the possession of First American are discoverable, and
10 which is the subject of active meet and confer discussions between the parties;

11 **WHEREAS** if Umpqua and First American are unable to resolve their discovery
12 disputes, Umpqua will be required to seek resolution of the dispute through a motion with the
13 Court, which would also be hindered if the June 9, 2010 pretrial scheduling order, and its related
14 deadlines remain on calendar;

15 **WHEREAS** the expert witness retained by First American is unavailable to attend the
16 currently scheduled trial date of August 9, 2011, and will not be available to attend any trial until
17 October 15, 2011;

18 **WHEREAS** the parties have been advised by the clerk for the Honorable Judge William
19 B. Shubb that the next available date for trial after October 15, 2011, is October 18, 2011;

20 **THEREFORE**, Umpqua and First American stipulate and agree to modify the June 9,
21 2010 pretrial scheduling order as follows:

- 22 1. To vacate the November 22, 2010 deadline to disclose experts and produce
23 reports in accordance with Federal Rule of Civil Procedure 26(a)(2), and
24 reschedule said deadline to **January 21, 2011**;
- 25 2. To vacate the February 14, 2011 deadline to “complete” discovery (as defined in
26 the June 9, 2010 pretrial scheduling order), and reschedule said deadline to **April**
27 **15, 2011**;

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- 3. To vacate the April 4, 2011 deadline for filing all motions, except for motions for continuances, temporary restraining orders, or other emergency applications, and reschedule said deadline to **June 3, 2011**;
- 4. To vacate the June 13, 2011 Final Pretrial Conference date, and reschedule said conference for **August 12, 2011**;
- 5. To vacate the August 9, 2011 trial date and reschedule said trial date for **October 18, 2011**; and
- 6. Unless expressly modified herein, all other conditions and obligations set forth in the June 9, 2010 pretrial scheduling order shall remain in full force and effect.

IT IS SO STIPULATED.

Dated: November 15, 2010 ALBORG, VEILUVA & MARTIN LLP

By: /s/ Darrell C. Martin
 THOMAS E. ALBORG
 DARRELL C. MARTIN
 Attorneys for Umpqua Bank

Dated: November 15, 2010 CVM LAW GROUP, LLP

By: /s/ Robert D. Collins
 ROBERT D. COLLINS
 ANTHONY S. COSS
 Attorneys for First American Title Insurance
 Company

1 **ORDER**

2 The Court having considered the Stipulation of the parties to the above-captioned action,
3 and good cause having been shown, hereby ORDERS that the June 9, 2010 pretrial scheduling
4 order is modified and amended as follows:

- 5 1. The November 22, 2010 deadline to disclose experts and produce reports in
6 accordance with Federal Rule of Civil Procedure 26(a)(2) is hereby vacated and
7 rescheduled to **January 21, 2011;**
- 8 2. The February 14, 2011 deadline to “complete” discovery (as defined in the June
9 9, 2010 pretrial scheduling order) is vacated and rescheduled to **April 15, 2011;**
- 10 3. The April 4, 2011 deadline for filing all motions, except for motions for
11 continuances, temporary restraining orders, or other emergency applications is
12 vacated and rescheduled to **June 3, 2011;**
- 13 4. The June 13, 2011 Final Pretrial Conference is vacated and rescheduled for
14 **August 8, 2011 at 2:00 p.m.;**
- 15 5. The August 9, 2011 trial date is vacated and rescheduled for **October 18, 2011 at**
16 **9:00 a.m.;** and
- 17 6. All other conditions and obligations set forth in the June 9, 2010 pretrial
18 scheduling order shall remain in full force and effect.

19 **IT IS SO ORDERED.**

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22 Dated: November 19, 2010

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24 WILLIAM B. SHUBB
25 UNITED STATES DISTRICT JUDGE
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