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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 discovery related to their
3 respective prosecution/defense of this action.

4 **WHEREAS** prior to March 17, 2011, Umpqua and First American limited their
5 discovery given their ongoing dispute regarding the production of previously withheld
6 documents and information based upon attorney-client and attorney work product privileges, as
7 well as the pendency of this Court’s ruling on Umpqua’s Motion to Compel that would resolve
8 the discovery dispute.

9 **WHEREAS** on March 17, 2011, this Court issued a ruling on Umpqua’s Motion to
10 Compel that resolved the discovery dispute, clarified the scope and extent of certain discovery to
11 be undertaken by the parties, and ordered the production of previously withheld documents and
12 information.

13 **WHEREAS**, on March 23, 2011, Umpqua produced to First American additional,
14 voluminous documents that will require time for First American’s counsel to review and analyze.

15 **WHEREAS** the date for the scheduled close of discovery in this matter is April 15, 2011,
16 and neither Umpqua nor First American believe that they will be able to timely complete
17 discovery, including party, percipient witness and person most qualified depositions, given the
18 time necessary for First American to comply with the Court’s ruling on the Motion to Compel, as
19 well as the time necessary for Umpqua to review and analyze the additional documents to be
20 produced by First American;

21 **WHEREAS** the parties have been advised by the clerk for the Honorable Judge William
22 B. Shubb that January 31, 2012 an available date for trial in January 2012;

23 **THEREFORE**, Umpqua and First American stipulate and agree to modify the
24 November 19, 2010 revised pretrial scheduling order, and respectfully request the Court to enter
25 an Order as follows:

- 26 1. To vacate the April 15, 2011 deadline to “complete” discovery (as defined in the
27 June 9, 2010 pretrial scheduling order), and reschedule said deadline to **July 1,**
28 **2011;**

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- 2. To vacate the June 3, 2011 deadline for filing all motions, except for motions for continuances, temporary restraining orders, or other emergency applications, and reschedule said deadline to **August 24, 2011**;
- 3. To vacate the August 12, 2011 Final Pretrial Conference date, and reschedule said conference for **November 2, 2011**;
- 4. To vacate the October 18, 2011 trial date and reschedule said trial date for **January 31, 2010**; and
- 5. Unless expressly modified herein, all other conditions and obligations set forth in the November 19, 2010 revised pretrial scheduling order shall remain in full force and effect.

IT IS SO STIPULATED.

Dated: March 30, 2011 ALBORG, VEILUVA & MARTIN LLP

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

Dated: March 30, 2011 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 November 19, 2010 revised
4 pretrial scheduling order is modified and amended as follows:

- 5 1. The April 15, 2011 deadline to “complete” discovery (as defined in the June 9,
6 2010 pretrial scheduling order) is vacated and rescheduled to **July 1, 2011**;
- 7 2. The June 3, 2011 deadline for filing all motions, except for motions for
8 continuances, temporary restraining orders, or other emergency applications is
9 vacated and rescheduled to **August 24, 2011**;
- 10 3. The August 12, 2011 Final Pretrial Conference is vacated and rescheduled for
11 **October 31, 2011 at 2:00 p.m.**
- 12 4. The October 18, 2011 trial date is vacated and rescheduled for **January 31, 2012**;
13 and
- 14 5. All other conditions and obligations set forth in the November 19, 2010 revised
15 pretrial scheduling order shall remain in full force and effect.

16 **IT IS SO ORDERED.**

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18 Dated: March 31, 2011

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21 WILLIAM B. SHUBB
22 UNITED STATES DISTRICT JUDGE
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