

1 Daniel Feinberg – CA State Bar No. 135983  
 Nina Wasow – CA State Bar No. 242047  
 2 LEWIS, FEINBERG, LEE, RENAHER & JACKSON, P.C.  
 476 9th Street  
 3 Oakland, CA 94607  
 Telephone: (510) 839-6824  
 4 Facsimile: (510) 839-7839  
 Email: [dfeinberg@lewisfeinberg.com](mailto:dfeinberg@lewisfeinberg.com)  
 5 Email: [nwasow@lewisfeinberg.com](mailto:nwasow@lewisfeinberg.com)

6 *Attorneys for Plaintiff*

7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 EDWARD CLARKE,	)	Case No. C 09-03467-JAM-DAD
	)	
11 Plaintiff,	)	<b>STIPULATION AND ORDER TO</b>
	)	<b>AMEND PRE-TRIAL SCHEDULING</b>
12 vs.	)	<b>ORDER</b>
	)	
13 MICHAEL LINDEMAN, LORRAINE	)	
14 LINDEMAN, DAVID NICKUM, VALLEY	)	
AGGREGATE TRANSPORT, INC., the	)	
15 BOARD OF DIRECTORS OF VALLEY	)	
AGGREGATE TRANSPORT, INC., and	)	
16 ADMINISTRATION COMMITTEE FOR	)	
17 THE VALLEY AGGREGATE, INC.	)	
EMPLOYEE STOCK OWNERSHIP PLAN.	)	
	)	
18 Defendants.	)	
	)	
19	)	
20	)	

21 WHEREAS, the parties have agreed to engage in a private mediation, which has been  
 22 scheduled for February 10, 2011;

23 WHEREAS, the parties agree that postponing certain aspects of discovery until after the  
 24 mediation would be most efficient and increase the likelihood of settlement;

25 WHEREAS, the parties have agreed on new discovery deadlines, and conferred with the  
 26 Court on appropriate dates for the other remaining case deadlines;

1 Accordingly, IT IS HEREBY AGREED AND REQUESTED by the parties through their  
2 counsel of record that the following dates be substituted for the dates in the Status (Pre-trial  
3 Scheduling) Order (Dkt. 10):

- 4 • Deadline for completion of fact discovery – May 11, 2011
- 5 • Deadline for disclosure of expert witnesses and exchange of expert reports – June 10,  
6 2011
- 7 • Deadline for disclosure of rebuttal expert witnesses and exchange of rebuttal expert  
8 reports – July 12, 2011
- 9 • Dispositive motion filing deadline – August 24, 2011
- 10 • Hearing on dispositive motions – September 21, 2011
- 11 • Joint pretrial statement due – November 2, 2011
- 12 • Pretrial conference – November 9, 2011, 4 p.m.
- 13 • Trial – January 9, 2012, 9 a.m.

14  
15  
16 Dated: December 17, 2010

LEWIS, FEINBERG, LEE,  
RENAKER & JACKSON, P.C.

17 By: /s/ Nina Wasow  
18 Daniel Feinberg  
19 Nina Wasow  
20 *Attorneys for Plaintiff*

21 Dated: December 17, 2010

TRUCKER HUSS

22 By: /s/ R. Bradford Huss  
23 R. Bradford Huss  
24 Virginia Perkins  
25 *Attorneys for Defendants David Nickum,*  
26 *Valley Aggregate Transport, Inc., the Board*  
27 *of Directors of Valley Aggregate Transport,*  
28 *Inc., and the Administration Committee for*  
*the Valley Aggregate Transport, Inc.*  
*Employee Stock Ownership Plan*

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Dated: December 17, 2010

WEINTRAUB GENSHLEA CHEDIAK

By:     /s/ Zachary M. Smith      
Zachary M. Smith  
*Attorneys for Defendants Michael and  
Lorraine Lindeman*

**IT IS SO ORDERED.**

Dated: 12/17/2010

    /s/ John A. Mendez    

The Honorable John A. Mendez  
United States District Judge