

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

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12 Attorneys for Defendants
 METROPOLITAN WEST SECURITIES, LLC
 13 and WELLS FARGO BANK, N.A., successor
 by merger to WACHOVIA BANK, N.A.
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15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA
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19 CALIFORNIA EARTHQUAKE AUTHORITY,
 20 Plaintiff,
 21 vs.
 22 METROPOLITAN WEST SECURITIES, LLC;
 23 WACHOVIA BANK, N.A.; and DOES 1 through
 24 25,
 Defendants.

No.: 2:10-CV-00291 MCE (GGH)

**JOINT REQUEST FOR RELIEF FROM
 COURT'S SCHEDULING ORDER AND
 [ORDER**

Date action removed: February 4, 2010
 Trial date: January 13, 2014

1 WHEREAS on December 31, 2009, Plaintiff California Earthquake Authority (“Plaintiff”)
2 filed its Verified Complaint in this Action.

3 WHEREAS Defendants Metropolitan West Securities, LLC and Wells Fargo Bank, N.A.,
4 successor by merger to Wachovia Bank N.A. (“Defendants”) removed this action on February 4,
5 2010;

6 WHEREAS this Court issued a Scheduling Order on August 3, 2010 (*see* Docket No. 33);

7 WHEREAS on July 22, 2011, the Parties jointly requested relief from the Court’s Scheduling
8 Order (*see* Docket No. 36);

9 WHEREAS on July 25, 2011, Judge Frank C. Damrell, Jr. issued a Scheduling Order in this
10 case providing that that disclosure of expert witnesses is due by March 20, 2012, a supplemental list
11 of expert witnesses is due by April 10, 2012, expert discovery cut-off is May 10, 2012, and the last
12 day to hear dispositive motions shall be July 13, 2012 (*see* Docket No. 37);

13 WHEREAS on August 31, 2011, the action was reassigned to Judge Morrison C. England, Jr.
14 (*see* Docket No. 38);

15 WHEREAS on October 24, 2011, this Court issued an Amended Pretrial Scheduling Order
16 providing that that disclosure of expert witnesses is due by September 13, 2012, and the last day to
17 hear dispositive motions shall be January 10, 2013 (*see* Docket No. 39);

18 WHEREAS on March 21, 2012, the Parties further jointly requested relief from the Court’s
19 Scheduling Order (*see* Docket No. 42);

20 WHEREAS on March 27, 2012, this Court issued a Second Amended Pretrial Scheduling
21 Order providing that disclosure of expert witnesses is due by February 7, 2013, a supplemental list of
22 expert witnesses is due by February 27, 2013, and the last day to hear dispositive motions shall be
23 June 13, 2013 (*see* Docket No. 46);

24 WHEREAS on October 24, 2012, this Court issued an Order Continuing Trial. The October
25 7, 2013 jury trial date was vacated and continued to January 13, 2014. (*see* Docket No. 85);

26 WHEREAS fact discovery closed on December 3, 2012;

27 WHEREAS the Parties desire to mediate the case to explore settlement, and anticipate
28 attending mediation in March 2013;

1 WHEREAS the Parties believe that an adjustment to the Second Amended Pretrial
 2 Scheduling Order would permit them to focus their efforts on mediation;

3 NOW, THEREFORE, IT IS HEREBY STIPULATED by and among Plaintiff California
 4 Earthquake Authority and Defendants Metropolitan West Securities LLC and Wells Fargo Bank,
 5 N.A., successor by merger to Wachovia Bank, N.A., through the undersigned counsel, to jointly
 6 request relief from the Second Amended Pretrial Scheduling Order in this case, and request that the
 7 presently scheduled dates be moved as followed, or in accordance with such schedule as the Court
 8 may allow:

	Present Schedule	Jointly Requested Schedule
Expert Witness Disclosure/Report	February 7, 2013	May 1, 2013
Supplemental Disclosure/Report	February 27, 2013	May 28, 2013
Last Day to Hear Dispositive Motion	June 13, 2013	September 5, 2013 ¹

15
 16 **IT IS SO STIPULATED:**

17
 18 DATED: January 9, 2013

REED SMITH LLP

19
 20 By /s/ David S. Reidy
 21 David S. Reidy
 22 Attorneys for Defendants
 23 Metropolitan West Securities, LLC and Wells Fargo
 Bank, N.A., successor by merger to Wachovia
 Bank, N.A.

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 27 ¹ Parties to comply with the filing schedule outlined in this Court's Second Amended Pretrial
 Scheduling Order (Docket No. 46, p. 4).
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DATED: January 9, 2013

STRUMWASSER & WOOCHEER LLP

By /s/ Michael J. Strumwasser
Michael J. Strumwasser
Attorneys for Plaintiff
California Earthquake Authority

IT IS SO ORDERED:

Dated: January 22, 2013


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT