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A limited liability partnership formed in the State of Delaware

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 METROPOLITAN WEST SECURITIES, LLC
 13 and WELLS FARGO BANK, N.A., successor
 by merger to WACHOVIA BANK, N.A.

15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

19 CALIFORNIA EARTHQUAKE AUTHORITY,

20 Plaintiff,

21 vs.

22 METROPOLITAN WEST SECURITIES, LLC;
 23 WACHOVIA BANK, N.A.; and DOES 1 through
 25

24 Defendants.

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

**STIPULATION AND JOINT
 REQUEST FOR RELIEF FROM
 COURT’S FEBRUARY 1, 2013,
 THIRD AMENDED PRETRIAL
 SCHEDULING ORDER; AND
 ORDER**

Date action removed: February 4, 2010
 Trial date: March 31, 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 twenty (20) days thereafter (February 27, 2013), and the last day to hear
23 dispositive motions shall be June 13, 2013 (*see* Docket No. 46);

24 WHEREAS on October 24, 2012, this Court issued an Order Continuing Trial. The
25 October 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 on January 9, 2013, the Parties further jointly requested relief from the Court’s
28 Scheduling Order (*see* Docket No. 125);

1 WHEREAS on February 1, 2013, this Court issued a Third Amended Pretrial Scheduling
 2 Order providing that disclosure of expert witnesses is due by July 31, 2013, a supplemental list of
 3 expert witnesses is due thirty (30) days thereafter (August 30, 2013), and the last day to hear
 4 dispositive motions is November 14, 2013 (*see* Docket No. 127). Further, the Third Amended
 5 Pretrial Scheduling Order set a new trial date of March 31, 2014, and revised the pretrial schedule
 6 accordingly (*id.*);

7 WHEREAS the Parties, after a concerted and good faith effort to coordinate the schedules of
 8 the parties, their counsel and the agreed upon mediator, have now confirmed an all-day mediation
 9 session scheduled for June 17, 2013, before the Honorable Edward Infante (Ret.) at JAMS in San
 10 Francisco, California;

11 WHEREAS the Parties believe that an adjustment to the expert discovery deadlines in the
 12 Third Amended Pretrial Scheduling Order would permit them to focus their efforts on mediation and
 13 preserve resources by delaying work on expert reports, and that good cause exists for the
 14 continuance because the parties have worked diligently to coordinate the mediation and have
 15 otherwise completed fact discovery;

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

	Present Schedule	Jointly Requested Schedule
Expert Witness Disclosure/Report	July 31, 2013	September 30, 2013
Supplemental Disclosure/Report	30 days after designation of expert witnesses (or August 30, 2013)	30 days after designation of expert witnesses (or October 30, 2013)
LD to Hear Dispositive Motions	November 14, 2013	January 9, 2014 ¹

27 ¹ Parties to comply with the filing schedule outlined in this Court's Third Amended Pretrial
 28 Scheduling Order (Docket No. 127 at p. 4).

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IT IS SO STIPULATED:

DATED: April 23, 2013

REED SMITH LLP

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


DATED: April 23, 2013

STRUMWASSER & WOOCHER LLP

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

IT IS SO ORDERED.

DATED: April 26, 2013



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