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5 Attorneys for Defendants **A GREENER GLOBE**, a California
 6 non-profit public benefit corporation, sued herein as "A
GREENER GLOBE, a California Corporation, aka A
 7 **GREENER GLOBE CORPORATION**, AKA A **GREENER**
GLOBE, Inc. AKA A **GREENER GLOBE**, a California non-
 8 profit public benefit corporation (co- owner)", **DANIEL G.**
SHEEHAN, an individual, sued herein as "DANIEL G.
 9 **SHEEHAN**, an individual and dba A **GREENER GLOBE** (co-
 10 owner)", **JACKLYN C. SHEEHAN**, an individual, sued
 herein as "JACKLYN C. SHEEHAN, an individual and dba A
 11 **GREENER GLOBE** (co-owner)", and Defendant **WESTERN**
HIGHLAND MORTGAGE FUND 1, LLC

12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA

14
 15 CAPITOL WASTE, INC.,

16 Plaintiffs,

17 v.

18 A GREENER GLOBE, et. al.

19 Defendants.
 20

No. 2:10-CV-00866-FCD-EFB

STIPULATION AND ORDER

21 Plaintiff, by undersigned counsel, submits this request by stipulation to amend
 22 Pretrial Scheduling ordered and filed in this case on August 13, 2010, so as to permit
 23 discovery cutoff to extend until February 28, 2011, due to Plaintiff's counsel's ongoing
 24 medical issues.

25 **STIPULATION**

26 WHEREAS Plaintiff's counsel has suffered an injury to his back for which he is
 27 undergoing diagnosis and treatment ("Medical Condition"); and
 28

1 WHEREAS Plaintiff's counsel's Medical Condition has interfered with his ability to
2 work competently full time on his case load as well as in the instant case, has also
3 resulted in his inability to attend certain noticed depositions to date and is expected to
4 continue to interfere with Plaintiff's counsel performance of his duties in this case over
5 the short term, and

6 WHEREAS Plaintiff's counsel believes he will be able to complete discovery by
7 February 28, 2011,

8 THE PARTIES HEREBY STIPULATE and agree, so as to accommodate Plaintiff's
9 counsel that there is good cause to request an extension of discovery cutoff, and
10 accordingly stipulate, subject to the courts approval, as follows:

- 11 1. To amend the Pretrial Scheduling in this case to include a discovery cutoff date
12 of February 28, 2011.
- 13 2. The depositions of Plaintiff Capitol Waste, Inc., Kenneth Whitmire and Iva
14 Whitmire will be held on January 24, 2011 at the Walsh Law Firm in its
15 Roseville, California office.
- 16 3. Plaintiff shall provide full and complete responses to the Form Interrogatories,
17 Requests for Admission, Requests to Produce Documents and Special
18 Interrogatories, previously served by defendants in the state court action. These
19 responses, including production of the documents, shall be delivered to the
20 Walsh Law Firm in Lafayette, CA no later than the close of business on
21 January 3, 2011. Failure to fully comply with this agreement and order will
22 result in sanctions.
23

24 Dated: December ____, 2010

LAW OFFICES OF ROBB HEWITT

25
26
27 /s/
28 Robb Hewitt, Attorney for Capitol Waste, Inc.

1 Dated: December ____, 2010

WALSH LAW FIRM

2
3 /s/ _____
James R. Walsh

4 Attorneys for Defendants **A GREENER GLOBE,**
5 **DANIEL G. SHEEHAN, JACKLYN C.**
6 **SHEEHAN, and WESTERN HIGHLAND**
7 **MORTGAGE FUND 1, LLC**

8 Dated: December ____, 2010


9 /s/ _____

10 **BENJAMIN B. WAGNER.**
11 United States Attorney
12 **ADAIR F. BOROUGHS**
13 U.S. Department of Justice, Tax Division,
14 Attorney for The United States of America.

15 **ORDER**

16 **IT IS SO ORDERED.**

17 Dated: December 28, 2010

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19 _____
20 **FRANK C. DAMRELL, JR.**
21 **UNITED STATES DISTRICT JUDGE**

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