

DANIEL V. KOHLS (SBN 167987)
 MARK D. SZYNTAR (SBN 316170)
 HANSEN, KOHLS, SOMMER & JACOB, LLP
 1520 Eureka Road, Suite 100
 Roseville, California 95661
 Telephone: (916) 781-2550
 Email: dkohls@hansenkohls.com
mszyntar@hansenkohls.com

Attorneys for Plaintiffs STORZ MANAGEMENT
 COMPANY, STORZ REALTY, INC., HERITAGE
 FUNDING CORPORATION, and HERITAGE
 FUNDING IV and Counter-Defendants STORZ
 MANAGEMENT COMPANY, STORZ REALTY,
 INC.

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

STORZ MANAGEMENT COMPANY, a
 California Corporation, and STORZ REALTY,
 INC., a California Corporation, HERITAGE
 FUNDING CORPORATION, a California
 corporation, and HERITAGE FUNDING IV, a
 California corporation,

Plaintiff,

v.

ANDREW CAREY, an individual, and MARK
 WEINER, an individual, JOY KELLY, an
 individual, NANCY HUGHES, an individual.
 MONOLITH, LLC, a California entity, and
 MONOLITH PROPERTIES, INC., a
 California corporation,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. 2:18-cv-00068-DJC-DB

**STIPULATION AND ORDER TO
 MODIFY SCHEDULING ORDER TO
 EXTEND CUT-OFF TO COMPLETE
 PMK DEPOSITIONS**

Complaint Filed: January 11, 2018
 FAC Filed: January 30, 2018
 SAC Filed: March 17, 2021

Plaintiffs/Counterdefendants Storz Management Company and Storz Realty, Inc., and
 Plaintiffs Heritage Funding Corporation and Heritage Funding IV (“Plaintiffs”), together with
 Defendants/Counterclaimants Andrew Carey and Mark Weiner, and Defendants Joy Kelly, Nancy
 Hughes, Monolith, LLC and Monolith Properties, Inc. (“Defendants”) (Plaintiffs and Defendants
 00032592.1

STIP AND ORDER TO MODIFY SCHEDULING ORDER TO EXTEND CUT-OFF TO TAKE DEPOSITIONS

1 referred to collectively as the “Parties”), by and through their respective counsel of record, hereby
2 stipulate to and request a modification to the Court’s Amended Scheduling Order issued on
3 February 22, 2023 (ECF No. 221) as follows:

4 WHEREAS on or about February 22, 2023, this Court issued a Minute Order wherein it
5 ordered all fact discovery to be completed by no later than August 31, 2023 (*see* ECF No. 221);

6 WHEREAS Plaintiffs’ new counsel substituted in as Plaintiffs’ counsel of record on July
7 19, 2023 (*see* ECF No. 254);

8 WHEREAS the Parties were engaged in a meet and confer process regarding discovery
9 issues from July 25, 2023, to August 11, 2023, and the Parties filed an updated Joint Statement re:
10 Discovery Disagreement on August 11, 2023 (*see* ECF No. 259);

11 WHEREAS Defendants have noticed the depositions of the Persons Most Knowledgeable
12 of Storz Realty, Inc., Heritage Funding IV and Heritage Funding Corporation (“PMK
13 Depositions”), which are noticed for August 17th-18th, 21st-22nd and 24th-25th;

14 WHEREAS Defendants propounded numerous written discovery requests on August 1,
15 2023, all of which require Plaintiffs’ written responses by August 31, 2023;

16 WHEREAS the Parties acknowledge that Plaintiffs’ counsel of record is unable to
17 participate in any of the currently noticed PMK Depositions until at least October of 2023, due to
18 scheduling conflicts, including but not limited to, Plaintiffs’ counsel will be out of the country
19 from September 11, 2023 to October 9, 2023;

20 WHEREAS the Parties have met and conferred on the scheduling conflicts and have
21 agreed that the PMK Depositions need to be continued to later dates;

22 WHEREAS the Parties have tentatively rescheduled the PMK Depositions to occur before
23 October 31, 2023;

24 WHEREAS the Parties jointly request that the Court modify its Amended Scheduling
25 Order issued on February 22, 2023, (ECF No. 221) to allow additional time for the continued
26 PMK Depositions to be completed;

27 WHEREAS good cause exists to allow additional time for Defendants to take the PMK
28 Depositions due to Plaintiffs’ counsel recently being substituted in as counsel, his unavailability

1 for the depositions to be completed before October 2023, and Plaintiffs' August 31, 2023,
2 deadline to adequately prepare and serve written responses to Defendants' discovery requests.

3 NOW, THEREFORE, the Parties jointly request:

4 1. That the Court modify its amended Scheduling Order issued on February 22, 2023
5 (ECF No. 221), to extend the deadline for the cutoff of fact discovery to November 15, 2023, for
6 the limited purpose of allowing Defendants to complete the PMK Depositions.

7 **IT IS SO STIPULATED AND AGREED.**

8 DATED: August 16, 2023

HANSEN, KOHLS, SOMMER & JACOB, LLP

9
10 By: /s/ Daniel v. Kohls

11 DANIEL V. KOHLS

Attorneys for Plaintiffs/Counterdefendants

12 STORZ MANAGEMENT COMPANY, STORZ

REALTY, INC., HERITAGE FUNDING

13 CORPORATION and HERITAGE FUNDING IV

14 DATED: August 16, 2023

WEINTRAUB TOBIN CHEDIAK COLEMAN
15 GRODIN

16
17 By: /s/ James Kachmar

JAMES KACHMAR

Attorneys for Defendants/Counterclaimants

18 ANDREW CAREY, MARK WEINTER, and

19 Defendants JOY KELLY, NANCY HUGHES,

MONOLITH, LLC and MONOLITH

20 PROPERTIES, INC.

ORDER

The Court, having reviewed the Parties' Stipulation, and finding good cause, hereby modifies its February 22, 2023, Amended Pretrial Scheduling Order (ECF No. 221) as follows: The cutoff for fact discovery shall be extended to November 15, 2023, for the limited purpose of allowing Defendants to complete taking the PMK Depositions.

IT IS SO ORDERED.

Dated: September 6, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE