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 TRAINER WORTHAM & COMPANY, INC.,  
 7 DAVID P. COMO, FIRST REPUBLIC BANK and  
 ROBERT VILE

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 HEIDE BETZ	)	No. C 03-03231 SI
	)	
13 Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER RESCHEDULING CASE</b>
14 vs.	)	<b>MANAGEMENT CONFERENCE</b>
	)	
15 TRAINER WORTHAM & COMPANY,	)	
INC., DAVID P. COMO, FIRST	)	
16 REPUBLIC BANK and ROBERT VILE	)	
	)	
17 Defendants.	)	
	)	

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1           WHEREAS, on April 5, 2005, this Court granted Defendants' motion for summary  
2 judgment and entered judgment in favor of Defendants and against Plaintiff in the above-  
3 captioned case;

4           WHEREAS, Plaintiff appealed from this Court's order granting judgment in favor of  
5 Defendants;

6           WHEREAS, following the appeal to the Ninth Circuit, Defendants petitioned the  
7 Supreme Court for a writ of certiorari;

8           WHEREAS, on May 3, 2010, the Supreme Court granted Defendants' petition and, at  
9 the same time, remanded this case to the Ninth Circuit for further consideration in light of  
10 the Supreme Court's decision in *Merck & Co. v. Reynolds*, 559 U.S. \_\_\_\_ (2010);

11           WHEREAS, on July 7, 2010, the Ninth Circuit issued an order remanding this case to  
12 this Court for further proceedings;

13           WHEREAS, Plaintiff sought an en banc rehearing on the Ninth Circuit's order to  
14 remand this case;

15           WHEREAS, on September 1, 2010, the Ninth Circuit denied Plaintiff's petition for  
16 rehearing en banc;

17           WHEREAS, the Ninth Circuit's formal mandate was issued on September 9, 2010;

18           WHEREAS, on October 25, 2010, this Court set a case management conference on  
19 November 10, 2010, at 3:00 p.m.;

20           WHEREAS, due to scheduling conflicts, counsel for the parties are not available on  
21 that date;

22           WHEREAS, the parties have met and conferred and have agreed to continue the  
23 November 10, 2010 case management conference to January 28, 2011, at 3:00 p.m.

24           THEREFORE, IT IS STIPULATED AND AGREED by Plaintiff and Defendants,  
25 through their respective counsel of record, as follows:  
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27           1.       The case management conference currently scheduled for November 10, 2010,  
28 at 3:00 p.m. should be vacated and rescheduled to January 28, 2011, at 3:00 p.m.

1 IT IS SO STIPULATED.

2 Respectfully submitted,

3 DATED: November 2, 2010

SIDLEY AUSTIN LLP

4  
5 /s/ Sara B. Brody

6 SARA B. BRODY  
CECILIA Y. CHAN

7 Attorneys for Defendants  
8 TRAINER WORTHAM & COMPANY, INC.,  
9 DAVID P. COMO, FIRST REPUBLIC BANK  
and ROBERT VILE

10  
11 DATED: November 2, 2010

Schwartz & Schwartz

12  
13 /s/ Theodore Schwartz

14 Theodore Schwartz

15 Attorneys for Plaintiff  
16 HEIDI BETZ

17 **SIGNATURE ATTESTATION**

18 Pursuant to General Order No. 45(X)(B), I hereby attest that I have on file written permission  
19 to sign this joint motion from all parties whose signatures are indicated by a conformed signature  
20 (/s/) within this e-filed document.

21 /s/ Sara B. Brody

22  
23 **ORDER**

24 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

25 

26 DATED: \_\_\_\_\_

27 \_\_\_\_\_  
The Honorable Susan Illston  
United States District Court