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5 **Attorneys for Plaintiffs**

6  
 7 IN THE UNITED STATES DISTRICT COURT  
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 9 SAN FRANCISCO DIVISION

10	JERRY VAUGHN and THERESA TRAVERS,	)	
11		)	Case No. C03-5725 (SC)
12	Plaintiffs,	)	
13	v.	)	<b>STIPULATION AND <del>[PROPOSED]</del></b>
14	BAY ENVIRONMENTAL MANAGEMENT	)	<b>ORDER TO EXTEND DEADLINES</b>
15	INC., CAESAR NUTI, DENNIS VARNI,	)	<b>FOR DISCOVERY, HEARING ON</b>
16	MARIO AQUILINO, LOYD BONFANTE SR.,	)	<b>DISPOSITIVE MOTIONS, AND TRIAL</b>
17	JOSEPH DELLA ZOPPA, ESTATE OF	)	<b>DATES</b>
18	RICHARD GRANZELLA SR., EDWARD	)	
19	MENOSSE, PASQUALE PARENTI, FSC	)	
20	SECURITIES CORPORATION, AND	)	
21	JERROLD N. WEINBERG,	)	
22	Defendants.	)	
23	<hr/>	)	
24	FSC SECURITIES CORPORATION and	)	
25	JERROLD N. WEINBERG,	)	
26	Cross-Claimants,	)	
27	v.	)	
28	BAY ENVIRONMENTAL MANAGEMENT	)	
	INC., ESTATE OF PINA J. BARBIERI,	)	
	CAESAR NUTI, and DENNIS VARNI,	)	
	Cross-Defendants	)	
	<hr/>	)	

27 This Stipulation is made by and between Plaintiffs Jerry Vaughn and Theresa Travers  
 28 (“Plaintiffs”), Defendants Bay Environmental Management Inc., Caesar Nuti, Dennis Varni, Mario

1 Aquilino, Loyd Bonfante Sr., Joe Della Zoppa, Estate of Richard Granzella Sr., Eddie Menosse, and  
2 Pasquale Parenti, and Cross-Defendant Estate of Pina J. Barbieri<sup>1</sup> (“Bay Environmental  
3 Defendants”), and Defendants FSC Securities Corporation and Jerrold N. Weinberg (“FSC  
4 Defendants”) (collectively, the “Parties”), by and through their respective counsel of record, with  
5 respect to the following facts:

6 WHEREAS on November 20, 2009, the Court held a Status Conference and issued a Status  
7 Conference Order (Docket No. 145);

8 WHEREAS the Court’s Status Conference Order set this case for trial on June 21, 2010;

9 WHEREAS the Court’s Status Conference Order set the pretrial conference for June 18,  
10 2010;

11 WHEREAS the Court’s Status Conference Order states that the last hearing date for  
12 dispositive motions is April 30, 2010;

13 WHEREAS the Court’s Status Conference Order requires that all discovery be completed  
14 and depositions taken by March 15, 2010<sup>2</sup>;

15 WHEREAS on December 2, 2009, counsel for Plaintiffs served Defendant Bay  
16 Environmental Management, Inc., with notice of deposition pursuant to Fed. R. Civ. P. 30(b)(6) for  
17 December 15, 2009;

18 WHEREAS on December 11, 2009, counsel for Defendant Bay Environmental  
19 Management, Inc., and the Bay Environmental Defendants discovered approximately 18,000 pages  
20 of documents in the possession of one of their Rule 30(b)(6) witnesses that they believe will be  
21 produced as either responsive to Plaintiffs’ written requests for documents or as part of the Bay  
22 Environmental Defendants’ Fed. R. Civ. P. 26 initial disclosures; and

23 WHEREAS counsel for the Bay Environmental Defendants estimates that these documents  
24 will be provided to Plaintiffs by the close of business on Wednesday, December 23, 2009.

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26 \_\_\_\_\_  
27 <sup>1</sup> Pina Barbieri, named as a Cross-Defendant herein, passed away several years ago. *See* Docket  
28 No. 36. Defendants Mario Aquilino, Loyd Bonfante Sr., Joe Della Zoppa, Estate of Richard  
Granzella Sr., Eddie Menosse, and Pasquale Parenti are Defendants to this action, but have not been  
named in the FSC Defendant’s Cross-Complaint.

<sup>2</sup> The Court’s Minutes, Docket No. 144, set December 31, 2009, as the fact discovery cutoff date.

1 NOW, THEREFORE, the parties to this action, by and through their undersigned attorneys,  
2 hereby stipulate as follows:

- 3 A. The Bay Environmental Defendants will provide all newly-found responsive  
4 documents to Plaintiffs and the other Parties by close of business on December 31,  
5 2009.
- 6 B. The deadline for responses to pending discovery requests will be extended to January  
7 29, 2010.<sup>3</sup>
- 8 C. The deadline for completion of fact discovery will be extended to March 1, 2010.
- 9 D. The deadline for completion of expert discovery will be extended to May 17, 2010.
- 10 E. The last hearing date for motions to be noticed in accordance with Civil Local Rule  
11 7-2 shall be July 2, 2010.
- 12 F. The case shall be set for trial on September 7, 2010, at 9:30 a.m. or at the Court's  
13 convenience.
- 14 G. A pretrial conference shall be scheduled for September 3, 2010, at 10:00 a.m. or at  
15 the Court's convenience.

16 The parties hereby so stipulate, and respectfully request that the Court so order.

17  
18 DATE: December 23, 2009

LEWIS, FEINBERG, LEE,  
RENAKER & JACKSON, P.C.

19  
20 By: \_\_\_\_\_  
21 Teresa S. Renaker  
22 Attorneys for Plaintiffs JERRY VAUGHN  
and THERESA TRAVERS

23 <sup>3</sup> On November 20, 2009, Bay Environmental Defendants served FSC Defendants with (1) Cross-  
24 Defendants' First Set of Interrogatories to Cross Claimants FSC Securities Corp. and Jerrold N.  
25 Weinberg; and (2) Cross-Defendants' First Set of Requests for Production of Documents to Cross  
26 Claimants FSC Securities Corp. and Jerrold N. Weinberg. On November 25, 2009, FSC Defendants  
27 served Bay Environmental Defendants with (1) Request for Production of Documents to Bay  
28 Environmental, Nuti, Varni and Barbieri, Set One; and (2) Special Interrogatories to Bay  
Environmental, Nuti, Varni and Barbieri, Set Two. They also served Plaintiffs with (1) Request for  
Production of Documents to Plaintiffs, Set One; and (2) Special Interrogatories to Plaintiffs, Set  
Two. On November 30, 2009, Bay Environmental Defendants served Plaintiffs with Bay  
Environmental Defendants' First Set of Special Interrogatories to Plaintiffs Jerry Vaughn and  
Theresa Travers.



ATTESTATION

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I hereby attest that for all conformed signatures indicated by a “/s/,” the signatory has concurred in the filing of this document.

DATE: December 23, 2009

By:       /s/        
Teresa S. Renaker

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Lindsay Nako  
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