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6	ndiller@morganlewis.com alin@morganlewis.com					
7 8	Attorneys for Cross-Defendants Bay Environmental Management Inc., Caesar Nuti, Dennis Varni, and Estate of Pina J. Barbieri					
9						
10	UNITED STATES DISTRICT COURT					
11	NORTHERN DISTRICT OF CALIFORNIA					
12	SAN FRANCISCO DIVISION					
13	JERRY VAUGHN and THERESA TRAVERS,	Case No. C03-5725 (SC)				
14	Plaintiffs,	SECOND STIPULATION AND [PROPOSED] ORDER CONTINUING				
15	v.	TRIAL DATE TO PERMIT THE PARTIES TO COMPLETE				
16	BAY ENVIRONMENTAL MANAGEMENT INC., CAESAR NUTI, DENNIS VARNI,	MEDIATION				
17	MARIO AQUILINO, LOYD BONFANTE SR., JOSEPH DELLA ZOPPA, ESTATE OF					
18	RICHARD GRANZELLA SR., EDWARD MENOSSE, PASQUALE PARENTI, FSC					
19	SECURITIES CORPORATION, AND JERROLD N. WEINBERG					
20	Defendants.					
21	FSC SECURITIES CORPORATION and					
22	JERROLD N. WEINBERG,					
23	Cross-Claimants,					
24	V.					
<ul><li>25</li><li>26</li></ul>	BAY ENVIRONMENTAL MANAGEMENT INC., ESTATE OF PINA J. BARBIERI, CAESAR NUTI, DENNIS VARNI,					
27	Cross-Defendants.					
28 vis &						
LP		STIP AND [PROP] ORDER CONTINUING TRIAL DATE				

MORGAN, LEWIS & BOCKIUS LLP
ATTORNEYS AT LAW
SAN FRANCISCO

STIP. AND [PROP] ORDER CONTINUING TRIAL DATE. CASE NO. C03-5725 (SC)

## 

## **STIPULATION**

This Stipulation is made by and between Plaintiffs Jerry Vaughn and Theresa Travers ("Plaintiffs"), Defendants Bay Environmental Management Inc., Caesar Nuti, Dennis Varni, Mario Aquilino, Loyd Bonfante Sr., Joe Della Zoppa, Estate of Richard Granzella Sr., Eddie Menosse, and Pasquale Parenti, and Cross-Defendant Estate of Pina J. Barbieri¹ ("Bay Environmental Defendants"), and Defendants FSC Securities Corporation and Jerrold N. Weinberg ("FSC Defendants") (collectively, the "Parties"), by and through their respective counsel of record, with respect to the following facts:

WHEREAS, on November 20, 2009, the Court held a Status Conference and issued a Status Conference Order setting pretrial deadlines and a trial date of June 21, 2010 (Docket No. 145);

WHEREAS, in response to the discovery of 18,000 previously unknown documents, the Parties filed a stipulated request on December 23, 2009, seeking the extension of the pretrial deadlines and a continuance of the trial date so that the Parties could complete discovery (Docket No. 147);

WHEREAS, the Court entered an Order on January 5, 2010 extending the pretrial deadlines and continuing the trial date to September 7, 2010 (Docket No. 148);

WHEREAS, the Parties participated in a full-day mediation on April 12, 2010. While the mediation was not successful, the Parties did make progress;

WHEREAS, the Parties have scheduled an additional mediation session to take place on July 27, 2010;

WHEREAS, the Parties wish to complete the July 27, 2010 mediation to determine if a negotiated resolution is possible before expending the resources necessary to prepare this case for trial;

WHEREAS, counsel for the respective Parties have conferred regarding their other client

Mario Aquilino, Loyd Bonfante Sr., Joseph Della Zoppa, Estate of Richard Granzella Sr., Edward Menosse, and Pasquale Parenti are Defendants to this action, but have not been named in the FSC Defendant's Cross-Complaint.

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MORGAN, LEWIS &
BOCKIUS LLP
ATTORNEYS AT LAW
SAN FRANCISCO

STIP. AND [PROP] ORDER CONTINUING TRIAL DATE CASE NO. C03-5725 (SC)

Pina Barbieri, named as a Cross-Defendant herein, passed away several years ago. See Docket No. 36. Defendants

1	commitments and have determined that they are available for a trial in this case commencing on						
2	November 15, 2010.						
3	NOW	NOW, THEREFORE, the parties to this action, by and through their undersigned counsel,					
4	hereby stipulate, and respectfully request that the Court order, as follows:						
5	A.	Trial shall be continued to November 15, 2010, at 9:30 a.m. or at the Court's					
6		convenience.					
7	В.	A pretrial conference shall occur on November 8, 2010, at 10:00 a.m. or at the					
8		Court's convenience.					
9							
10	DATE: June	e 24, 2010	LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.				
11			By: /s/ Teresa S. Renaker				
12			By: /s/ Teresa S. Renaker Teresa S. Renaker Attorneys for Plaintiffs JERRY VAUGHN				
13			and THERESA TRAVERS				
14	DATE I	24 2010	MOD CAN LEWIS A DOCKING LLD				
15	DATE: June	e 24, 2010	MORGAN LEWIS & BOCKIUS LLP				
16			By: /s/ Nicole A. Diller Nicole A. Diller				
17 18			Attorneys for Defendants BAY ENVIRONMENTAL MANAGEMENT INC., CAESAR NUTI, DENNIS VARNI,				
19			MARIO AQUILINO, LOYD BONFANTE SR., JOSEPH DELLA ZOPPA, ESTATE OF				
20			RICHARD GRANZELLA SR., EDWARD MENOSSE, PASQUALE PARENTI, and				
21			THE ESTATE OF PINA J. BARBIERI				
22	DATE: June	24, 2010	WILSON, ELSER, MOSKOWITZ, EDELMAN &				
23			DICKER LLP				
24			By: /s/ Bernard Gelhar				
25			Bernard Gehlhar Emily Wood				
26			Attorneys for Co-Defendants FSC SECURITIES CORPORATION and				
27			JERROLD N. WEINBERG				
28							
	I						

DENIED Ĥ**o**wn, it is hereby PURSUANT TO STIPULATIO **ORDERED:** ₹ \$19:30 a.m. Judge Samuel Conti The case shall be A. eneduled for November 8, 2010, at 10:00 a.m. A pretrial conference B. DISTRIC June 29, 2010 DATE: Hon. Samuel Conti United States District Court Judge Northern District of California 

1	<u>ATTESTATION</u>				
2					
3	I hereby attest that for all conformed signatures indicated by a "/s/," the signatory has				
4	concurred in the filing of this document.				
5					
6	Dated: June 24, 2010	By:	/s/ Nicole A. Diller Nicole A. Diller		
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