

1 Matthew G. Ball (SBN 208881)  
 Matthew.Ball@klgates.com  
 2 **KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP**  
 Four Embarcadero Center, Suite 1200  
 3 San Francisco, CA 94111  
 Telephone: (415) 882-8200  
 4 Facsimile: (415) 882-8220

5  
 Judith H. Ramseyer (admitted *pro hac vice*)  
 6 judy@ramseyerlaw.com  
 7 **LAW OFFICES OF JUDITH H. RAMSEYER PLLC**  
 2025 First Avenue, Suite 1130  
 8 Seattle, WA 98121  
 Telephone: (206) 728-6872  
 9 Facsimile: (206) 260-6689

10 Attorneys for Defendants  
 GENE HENSLEY, DAVID HERRICK,  
 11 JOHN HENLEY, PEGGY FRY and  
 JOHN McCONNELL  
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 14 **UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

15 CLARK and REBECCA WIXON, NORMAN  
 16 and BARBARA WIXON, and KANDICE  
 SCATTOLON, derivatively and on behalf of  
 17 themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 WYNDHAM RESORT DEVELOPMENT  
 CORP. (f/k/a Trendwest Resorts, Inc.), GENE  
 21 HENSLEY, DAVID HERRICK, JOHN  
 HENLEY, PEGGY FRY, AND JOHN  
 22 McCONNELL, and nominally,  
 WORLDMARK, THE CLUB,

23 Defendants.  
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Case No. C 07-2361 JSW

**STIPULATION AND ORDER  
 AMENDING DEADLINE TO FILE  
 DISCOVERY MOTIONS**

**Class and Derivative Action**

1 Pursuant to the Order Scheduling Trial and Pretrial Matters (Dkt. 412), fact discovery closes  
2 on March 18, 2010. Under Civil Local Rule 26-2, motions to compel discovery must be filed no  
3 later than 7 court days following discovery cut-off, or March 29, 2010.

4 Plaintiffs Clarke and Rebecca Wixon, Norman and Barbara Wixon, and Kandice Scattolon  
5 (“Plaintiffs”) and Defendants Gene Hensley, David Herrick, John Henley, Peggy Fry, and John  
6 McConnell (“Director Defendants”) hereby stipulate, subject to Court approval, to extend the  
7 deadline to file discovery motions involving the parties to this stipulation, from March 29, 2010 to  
8 April 9, 2009. As stated in prior pleadings (*see* Dkt. Nos. 427, 431, 438), the parties are engaged in  
9 ongoing, good faith discussions of methods to resolve the litigation which, if successful, will  
10 eliminate the need for motion practice to resolve outstanding discovery disputes as between the  
11 Plaintiffs and the Director Defendants. Accordingly, the parties to this stipulation seek a short  
12 continuance, from March 29, 2010 to April 9, 2010, for the limited purpose of extending the time by  
13 which motions may be filed to resolve currently pending discovery disputes.

14 Subject to Court approval, the undersigned parties hereby stipulate that the motion deadline  
15 set forth in Rule 26-2 may be extended to April 9, 2010, for the limited purpose of allowing the  
16 parties additional time to file motions to resolve discovery disputes currently outstanding should  
17 they fail to reach a settlement of the litigation before that time. The parties agree that no party to this  
18 stipulation may initiate new discovery requests or depositions pursuant to this limited continuance.

19 No dates set by the Order Scheduling Trial and Pretrial Matters (Dkt. 412) are affected by  
20 this stipulation.

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The undersigned parties have conferred with counsel for Defendant Wyndham Resort Development Corporation (“Wyndham”), who has advised that Wyndham takes no position with respect to the matters embraced by this stipulation or motion deadlines for discovery disputes as between Plaintiffs and Director Defendants.

Dated: March 18, 2010

GIRARD GIBBS LLP

By:           /s/ Elizabeth C. Pritzker            
Jonathan K. Levine  
Elizabeth C. Pritzker

Attorneys for Individual and Representative Plaintiffs Clarke and Rebecca Wixon, Norman and Barbara Wixon, and Kandice Scattolon

Dated: March 18, 2010

K&L GATES LLP

By:           /s/ Matthew G. Ball            
Matthew G. Ball  
matthew.ball@klgates.com

LAW OFFICES OF  
JUDITH H. RAMSEYER PLLC  
Judith H. Ramseyer

Attorneys for Defendants Gene Hensley, John Henley, David Herrick, Peggy Fry, and John McConnell

**ORDER**

FOR GOOD CAUSE SHOWN, PURSUANT TO STIPULATION, THE COURT HEREBY GRANTS THE RELIEF REQUESTED BY PLAINTIFFS AND DIRECTOR DEFENDANTS, AND EXTENDS THE LOCAL CIVIL RULE 26-2 DISCOVERY MOTION DEADLINE FROM MARCH 29 TO APRIL 9, 2010.

Dated: March 18, 2010.

  
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Jeffrey S. White, United States District Judge

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