Wixon et al v. Wyndham Reso ort Dovolo + 0 ----~

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| l v. Wy | ndham Resort Development Corp., et al | Do | oc. 4 | | |
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| | Case3:07-cv-02361-JSW Document46 | 6 Filed03/18/10 Page1 of 4 | | | |
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| 10 | JOHN McCONNELL | | | | |
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| 14 | UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA | | | | |
| 15 | | et of california | | | |
| 15 | CLARK and REBECCA WIXON, NORMAN and BARBARA WIXON, and KANDICE | Case No. C 07-2361 JSW | | | |
| 16 | SCATTOLON, derivatively and on behalf of | Case No. C 07-2501 JS W | | | |
| 17 | themselves and all others similarly situated, | | | | |
| 18 | Plaintiffs, | STIPULATION AND ORDER AMENDING DEADLINE TO FILE | | | |
| 10 | V | DISCOVERY MOTIONS | | | |
| 19 | V. | | | | |
| 20 | WYNDHAM RESORT DEVELOPMENT CORP. (f/k/a Trendwest Resorts, Inc.), GENE | Class and Derivative Action | | | |
| 21 | HENSLEY, DAVID HERRICK, JOHN | | | | |
| 21 | HENLEY, PEGGY FRY, AND JOHN MCCONNELL, and nominally, | | | | |
| 22 | WORLDMARK, THE CLUB, | | | | |
| 23 | Defendants. | | | | |
| 24 | Defendants. | | | | |
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| | | I - DEADLINE TO FILE DISCOVERY MOTIONS | - | | |
| | | 07-2361 JSW | | | |

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Pursuant to the Order Scheduling Trial and Pretrial Matters (Dkt. 412), fact discovery closes 1 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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- 2 -STIPULATION AND ORDER AMENDING DEADLINE TO FILE DISCOVERY MOTIONS CASE NO. C 07-2361 JSW

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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 | | | | |
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| | induitis. | | | |
| Dated: March 18, 2010 | GIRARD GIBBS LLP | | | |
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| | 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 | | | |
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| STIPULATION AND ORDER AMENDING DEADLINE TO FILE DISCOVERY MOTIONS CASE NO. C 07-2361 JSW | | | | |
| | Development Corporation ("Wyndha respect to the matters embraced by th between Plaintiffs and Director Defe Dated: March 18, 2010 | | | |

| Image: Normal System ORDER 2 FOR GOOD CAUSE SHOWN, PURSUANT TO STIPULATION, THE COURT H 3 GRANTS THE RELIEF REQUESTED BY PLAINTIFFS AND DIRECTOR DEFENDAN 4 AND EXTENDS THE LOCAL CIVIL RULE 26-2 DISCOVERY MOTION DEADLINE H 5 MARCH 29 TO APRIL 9, 2010. 6 Image: Narch 18, 2010. 7 Image: Narch 18, 2010. 8 Image: Narch 18, 2010. 9 Image: Narch 18, 2010. 11 Image: Narch 18, 2010. 12 Image: Narch 18, 2010. 13 Image: Narch 18, 2010. 14 Image: Narch 18, 2010. 15 Image: Narch 18, 2010. 16 Image: Narch 18, 2010. 17 Image: Narch 18, 2010. 18 Image: Narch 18, 2010. 19 Image: Narch 18, 2010. 11 Image: Narch 18, 2010. 12 Image: Narch 18, 2010. 13 Image: Narch 18, 2010. 14 Image: Narch 18, 2010. 15 Image: Narch 18, 2010. 16 Image: Narch 18, 2010. 17 Image: Narch 18, 2010. 18 Image | | | | | |
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| 4 AND EXTENDS THE LOCAL CIVIL RULE 26-2 DISCOVERY MOTION DEADLINE H 5 MARCH 29 TO APRIL 9, 2010. 7 Dated: March 18, 2010. 9 Jeffrey Y. Whity, United States District Judge 10 Jeffrey Y. Whity, United States District Judge 11 Jeffrey Y. Whity, United States District Judge 12 Jeffrey Y. Whity, United States District Judge 13 Jeffrey Y. Whity, United States District Judge 14 Jeffrey Y. Whity, United States District Judge 15 Jeffrey Y. Whity, United States District Judge 16 Jeffrey Y. Whity, United States District Judge 17 Jeffrey Y. Whity, United States District Judge 18 Jeffrey Y. Whity, United States District Judge 20 Jeffrey Y. Whity, United States District Judge 21 Jeffrey Y. Whity, United States District Judge | TS, | | | | |
| 5 MARCH 29 TO APRIL 9, 2010. 6 7 7 Dated: March <u>18</u> , 2010. 9 9 10 11 12 13 14 15 15 16 17 18 19 20 21 1 | | | | | |
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| - 4 - STIPULATION AND ORDER AMENDING DEADLINE TO FILE DISCOVERY MOTIONS | | | | | |
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