

1 **Steve McNichols, SBN 43556**
 2 **Everitt G. Beers, SBN 92505**
 3 **David Austin, SBN 215371**
 4 **Randy Sullivan, SBN 229326**
 5 **MCNICHOLS BEERS LLP**
 6 6600 Koll Center Parkway, Suite 250
 7 Pleasanton, California 94566
 8 Telephone (925) 600-1800
 9 Facsimile (925) 600-1802

10 Attorneys for Defendants and Counter-Claimants
 11 **CHANG SU-O LIN, HONG LIEN LIN**
 12 **AND HONG YAO LIN**

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 TOLL BROTHERS, INC.,
 16 Plaintiff,
 17 vs.
 18 CHANG SU-O LIN, HONG LIEN
 19 LIN AND HONG YAO LIN,
 20 Defendants.

21 RELATED –CROSS CLAIMS

No. C08 00987 SC
 ASSIGNED FOR ALL PURPOSES
 TO: HON. SAMUEL CONTI
 COURTROOM 1
 [AMENDED] STIPULATION TO
 MODIFY THE DEADLINE FOR
 TAKING OF DEPOSITIONS TO
 FEBRUARY 3, 2009

Action Filed: 2-19-08

22 This Stipulation is made and entered into by and between Toll Brothers, Inc.,
 23 (“Toll”) and Chang Su-O Lin, Hong Lien Lin, and Hong Yao Lin (collectively
 24 hereinafter referred to as the Lins) through their respective counsel, and is made in
 25 reference to the following facts:

- 26 1. The Court’s current orders establish January 23, 2009 as the
 27 discovery cut-off date.
- 28 2. The parties have taken the depositions of a number of percipient

1 witnesses, including Jon Paynter, Bill Morrison, Warren Inouye, Jim Boyd, Rod
2 Andrade, Marty Inderbitzen, and Larry Fisher. In addition, the parties will have
3 completed the depositions of Jim Tong, Werner Theissen, and Christopher
4 Muenzen before January 23, 2009.

5 3. The parties have also reached a stipulation concerning the persons
6 most knowledgeable for Toll in order to reduce the number of depositions
7 required in this case.

8 4. Due to the scheduling of the above depositions, the parties have
9 scheduled the depositions of seven (7) expert witnesses throughout the week of
10 January 26-January 30, 2009 and February 3, 2009. The parties have also set
11 Frank Su's and Hong Lin's deposition for this week. Hong Lin's deposition was
12 set for January 29, 2009, in part, due to his having to travel from Taiwan.

13 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by
14 the parties through their counsel of record hereto, that:

15 1. The discovery cut-off date for the taking of depositions will be
16 extended to February 3, 2009.

17 2. The parties respectfully request that this Court approve their
18 stipulation to modify the discovery cut-off deadline for depositions, and modify
19 its status order accordingly.

20 January 28, 2009

McNICHOLS BEERS LLP

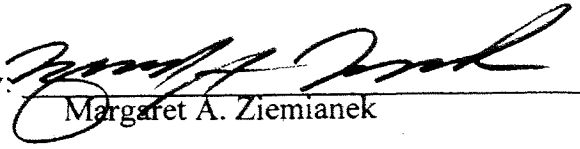
21
22
23 By: 
Everitt Beers

24 Attorneys for Defendants/Counter-Claimants
25 Chang Su-o Lin, Hong Lien Lin,
26 and Hong Yao Lin
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

January 28, 2009

KASOWITZ, BENSON, TORRES &
FRIEDMAN LLP

By: 
Margaret A. Ziemianek

Attorneys for Toll Brothers, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


ORDER

Good cause appearing and based upon the foregoing Stipulation;

IT IS ORDERED that the Court's July 25, 2008 Status Conference Order be modified as follows:

1. The discovery cut-off date for the taking of depositions will be extended to February 3, 2009.
2. The remainder of the July 25, 2008 Status Conference Order, as modified by this Order and prior Orders, shall remain in effect.

Dated: 2/2/09

Honorable
United States Judge

Judge