

1 DEBRA S. BELAGA (S.B. #83237) — [dbelaga@omm.com](mailto:dbelaga@omm.com)  
 2 RANDALL W. EDWARDS (S.B. #179053) — [redwards@omm.com](mailto:redwards@omm.com)  
 3 ROBIN M. WALL (S.B. #235690) — [rwall@omm.com](mailto:rwall@omm.com)  
 4 FLORA F. VIGO (S.B. #239643) — [fvigo@omm.com](mailto:fvigo@omm.com)  
 5 O'MELVENY & MYERS LLP  
 6 Two Embarcadero Center  
 7 28th Floor  
 8 San Francisco, CA 94111  
 9 Telephone: (415) 984-8700  
 10 Facsimile: (415) 984-8701

11 Attorneys for Plaintiff  
 12 LENNAR-BVHP, LLC

13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **SAN FRANCISCO DIVISION**

16 LENNAR-BVHP, LLC, a California  
 17 limited liability company,  
 18 Plaintiff,

19 v.

20 CH2M HILL, INC., a Florida  
 21 corporation, and CH2M HILL  
 22 COMPANIES, LTD., an Oregon  
 23 corporation,  
 24 Defendants.

Case No. CV-08-03058 SI

**MOTION TO CONTINUE INITIAL CASE  
 MANAGEMENT CONFERENCE**

1 Plaintiff Lennar-BVHP, LLC (“Lennar-BVHP”) requests that the Court continue  
2 the Initial Case Management Conference currently scheduled for October 10, 2008 at 2:00  
3 p.m. The current conference date conflicts with another federal trial being handled by  
4 Lennar-BVHP’s counsel, and a later date also would promote efficiency.

5 Randall Edwards is counsel for Lennar-BVHP in this action and would have  
6 principal responsibility at the Initial Case Management Conference. Mr. Edwards also is  
7 lead counsel in the matter of *Peoples v. County of Contra Costa*, Northern District Court  
8 Case No. C-07-0051 MHP. The *Peoples* matter presently is scheduled to begin trial  
9 before the Honorable Judge Marilyn H. Patel on October 7, 2008 -- three days before the  
10 Initial Case Management Conference in this action. Trial in the *Peoples* matter is  
11 expected to continue through much of October. Because of this scheduling conflict, Mr.  
12 Edwards would be unable to attend the Initial Case Management Conference in this case if  
13 it remained on its current date. Mr. Edwards’s partner Debra Belaga likewise has a  
14 conflict due to a long trial scheduled to begin in San Diego on October 16.

15 On September 24, 2008, Mr. Edwards spoke with Deborah Ballati, counsel for  
16 CH2. Ms. Ballati indicated that CH2 believes the claims in this case are subject to  
17 arbitration. Without prejudice to that position, CH2 did not indicate a specific objection  
18 to Lennar-BVHP’s desire to request a short continuance of the Initial Case Management  
19 Conference presently scheduled for October 10.

20 In addition, a short continuance may promote efficiency. Lennar-BVHP has not  
21 yet served Defendants CH2M Hill, Inc. and CH2M Hill, Ltd. (“CH2”) with the Summons  
22 and Complaint in this matter because the parties have been engaged in discussions  
23 regarding a potential resolution. If these discussions are unsuccessful, Lennar will be able  
24 to serve CH2 by at least October 21, 2008, which is 120 days after the Complaint was  
25 filed in this case.

26 Accordingly, Lennar respectfully requests that the Court reschedule the Initial Case  
27 Management Conference to November 14, 2008, or as soon thereafter as the Conference  
28

1 may be held.<sup>1</sup>

2 This motion is made pursuant to Civil L.R. 6-1 and 6-3. Lennar-BVHP makes this  
3 request for good cause and not for the purpose of delay. The declaration of Randall  
4 Edwards accompanies this motion.

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6 Dated: September 30, 2008 O'MELVENY & MYERS LLP

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8 By: /s/ Randall W. Edwards  
9 Randall W. Edwards  
10 Attorneys for Plaintiff Lennar-BVHP

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<sup>1</sup> Mr. Edwards has a separate conflict out of the state on November 7, 2008.

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**[PROPOSED] ORDER**

IT IS HEREBY ORDERED that the currently scheduled Case Management Conference is continued to November 21, 2008 @ 2 p.m.. The parties must file a joint case management statement with the Court at least seven days in advance of the conference.

Dated: \_\_\_\_\_, 2008



\_\_\_\_\_  
Honorable Susan Illston  
United States District Judge

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