

1 HARRY G. LEWIS (SBN 157705)  
 JOHN C. BROWN (SBN 195804)  
 2 JULIE A. MARQUIS (SBN 178466)  
 CORNERSTONE LAW GROUP  
 3 595 Market Street, Suite 2360  
 San Francisco, CA 94105  
 4 Telephone: (415) 974-1900  
 Facsimile: (415) 974-6433  
 5 Email: [hlewis@cornerlaw.com](mailto:hlewis@cornerlaw.com)

6 Attorneys for Plaintiff MEHDI SABERI  
 ERNEST W. KLATTE, III (State Bar No. 115914)  
 7 SUMMER YOUNG AGRIESTI (State Bar No. 232883)  
 RUTAN & TUCKER, LLP  
 8 611 Anton Boulevard, Fourteenth Floor  
 Costa Mesa, California 92626-1931  
 9 Telephone: 714-641-5100  
 10 Facsimile: 714-546-9035  
 11 Email: [eklatte@rutan.com](mailto:eklatte@rutan.com)

12 Attorneys for Defendant BFS RETAIL & COMMERCIAL OPERATIONS, LLC

13 KIMBERLY A. DONOVAN (SBN 160729)  
 BARBARA A. TANZILLO (SBN 168339)  
 GCA LAW PARTNERS LLP  
 14 1891 Landings Drive  
 Mountain View, CA 94043  
 15 Telephone: (650) 237-7294  
 16 Facsimile: (650) 428-3901  
 Email: [kdonovan@gcalaw.com](mailto:kdonovan@gcalaw.com)

17 Attorneys for Defendant DANA GIRARD

18  
 19 **UNITED STATES DISTRICT COURT**  
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 MEHDI SABERI,  
 22  
 Plaintiff,  
 23  
 vs.  
 24  
 25 BFS RETAIL & COMMERCIAL  
 OPERATIONS, LLC,  
 26  
 Defendant.  
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**CASE NO. CV-08-4232 JL**  
**STIPULATION AND ~~PROPOSED~~**  
**ORDER CONTINUING TRIAL DATE**  
**AND PRETRIAL ORDER**  
 Before the Honorable James Larson  
 Date Action Filed: September 8, 2008  
 Current Trial Date: October 18, 2010  
 [Proposed]  
 Amended Trial Date: January 31, 2011

1 Plaintiff Mehdi Saberi (“Plaintiff”), Defendant BFS Retail & Commercial  
2 Operations, LLC (“BFS”), and Defendant Dana Girard (“Girard”) by and through their  
3 respective counsel, hereby stipulate as follows:

4 WHEREAS, the parties completed non-expert discovery by March 31, 2010, the non-  
5 expert discovery cut-off date;

6 WHEREAS, on April 14, 2010, the defendants timely filed motions for summary  
7 judgment that were initially set for May 19, 2010, a week prior to the last date for hearing of  
8 such motions, however the Court moved the hearing on these motions to June 23, 2010;

9 WHEREAS, experts and rebuttal experts have already been disclosed and the  
10 current deadline for completion of expert discovery is August 6, 2010;

11 WHEREAS, the current deadline for filing motions in limine (except with respect  
12 to expert issues and issues that arise later as a result of pre-trial disclosures) is August 4,  
13 2010;

14 WHEREAS, the parties have continued the motion in limine filing and hearing date  
15 as much as possible without moving the trial date, as the current date for hearing motions  
16 in limine is the day before pre-trial disclosure are due;

17 WHEREAS, all parties would like to avoid incurring expenses associated with  
18 conducting expert discovery and drafting motions in limine without the benefit of the  
19 Court’s ruling on Defendants BFRC and Girard’s Motions for Summary Judgment;

20 WHEREAS, the parties have consulted with the Court and learned that January 31, 2011,  
21 is the first date available for the Court to reschedule this trial in either December 2010 or January  
22 2011;

23 NOW, THEREFORE, the parties hereby stipulate and agree, upon approval of the Court,  
24 to reset the trial in this matter and to modify the pretrial schedule as follows:

25 1. TRIAL DATE

26 a. Jury trial will begin on **January 31, 2011** at 9:00 a.m. in Courtroom F, 15<sup>th</sup>  
27 Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

28 b. The length of the trial will be not more than 5 days.

1 2. DISCOVERY

2 a. All discovery from experts shall be completed by November 12, 2010.

3 d. In the event of a discovery dispute the parties shall use the procedure set  
4 forth in the Amended Pretrial Order (Dkt #56).

5 3. MOTIONS IN LIMINE

6 Motions in Limine (except with respect to expert issues and issues that arise later  
7 as a result of pre-trial disclosures) shall be filed by November 3, 2010. Any opposition  
8 shall be filed no later than November 12, 2010. Any reply to an opposition shall be filed  
9 no later than November 24, 2010. Motions in Limine filed pursuant to this schedule  
10 shall be heard on **December 1, 2010**.

11 4. PRETRIAL CONFERENCE

12 a. A final pretrial conference shall be held on **January 19, 2011** at 11:00  
13 a.m., in Courtroom F, 15th Floor. Each party shall attend personally or by counsel who  
14 will try the case.

15 b. On or before **December 10, 2010**, all counsel or parties shall meet and  
16 fulfill the requirements of Civil Local Rule 16-10(b), except those requirements set forth  
17 in section 5.c. below.

18 c. On or before **December 17, 2010**, counsel or parties shall serve file a joint  
19 pretrial statement pursuant to Local Rule 16-10(b)(6) which shall include the disclosures  
20 required by Fed. R. Civ. P. 26(a)(3) as well as those set forth in section 5.c. of the  
21 Amended Pretrial Order (Dkt #56).

22 d. At the same time that the parties file their joint pretrial statement they  
23 shall also file the items set forth in section 5.d. of the Amended Pretrial Order (Dkt #56),  
24 including any further Motions in Limine that were not previously filed.

25 5. On or before January 10, 2011, counsel or parties shall file any opposition or  
26 objection to those items required by sections 5(e), (f), (j), (k) and (l) of the Amended  
27 Pretrial Order (Dkt #56). Additionally, counsel or parties shall file any objections to the  
28 qualifications of expert witnesses contained in the opposing party's witness list.



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**CERTIFICATE OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is Rutan & Tucker, LLP, 611 Anton Boulevard, Fourteenth Floor, Costa Mesa, California 92626-1931.

On July 30, 2010, I served the following described as:

**STIPULATION AND [PROPOSED] ORDER CONTINUING TRIAL DATE AND PRETRIAL ORDER**

on all parties identified for Notice Of Electronic Filing generated by the Court's CM/ECF system in this case on this date in the following manner:

Harry G. Lewis, Esq.  
hlewis@cornerlaw.com  
Christina S. Park, Esq.  
cpark@cornerlaw.com  
Cornerstone Law Group  
595 Market Street, Suite 2360  
San Francisco, CA 94105-2835

Kimberly A. Donovan, Esq.  
kdonovan@gcalaw.com  
Barbara E. Tanzillo, Esq.  
btanzillo@gcalaw.com  
GCA Law Partners LLP  
1891 Landings Drive  
Mountain View, CA 94043

Attorneys for Plaintiff  
Mehdi Saberi

Co-Counsel for Defendant  
Dana J. Girard

**(BY ELECTRONIC SERVICE)** by causing the document to be served via the Court's ECF Filing System.

**(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED on July 30, 2010, at Costa Mesa, California.

  
\_\_\_\_\_  
Zanetta Carr