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5 **Attorneys for Defendant**
RADIOSHACK CORPORATION

Attorneys for Plaintiff
JAMES PETERSEN

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 JAMES PETERSEN

12 Plaintiff,

13 v.

14 RADIOSHACK CORPORATION, and DOES 1 to
 15 50 inclusive,

16 Defendants.

Case No. C-08-5385 BZ

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE TRIAL
 AND PRE-TRIAL DATES**

Complaint Filed: October 28, 2008
 Trial Date: March 15, 2010

17 **IT IS AGREED** by and between counsel for Plaintiff James Petersen and counsel
 18 for Defendant RadioShack Corporation that this matter involves a substantial number of
 19 witnesses, several of whom are third parties, and that numerous depositions still need to be
 20 completed in this matter, as well as additional written discovery. In addition, counsel for
 21 Defendant RadioShack Corporation has a conflict with the trial date set for this matter, being
 22 scheduled for trial in a separate matter in the District Court for the Northern District of California
 23 on the same date, March 15, 2010. It is likely that this conflict will resolve itself, but at the
 24 present time the conflict exists.

25 Therefore, in order to allow the parties sufficient time to complete necessary depositions
 26 and discovery, and to resolve any potential trial calendar conflict, **IT IS HEREBY**
 27 **STIPULATED AND AGREED** by and between counsel for Plaintiff James Petersen and
 28 counsel for Defendant RadioShack Corporation, that all pretrial dates for this matter shall be

1 continued approximately ninety (90) days, and that the trial date shall also be continued ninety
2 (90) days, so that the following dates shall apply:

3 **1. DATES**

4 Trial Date: Monday, July 12, 2010
~~Tuesday, June 15, 2010~~, 7 days
June 22, 2010
5 Pretrial Conference: Tuesday, ~~May 25, 2010~~, 4 p.m.
May 5, 2010
6 Last Day to Hear Dispositive Motions: Wednesday, ~~April 21, 2010~~
7 Last Day for Expert Discovery: Friday, March 12, 2010
8 Last Day for Rebuttal Expert Disclosures: Friday, March 5, 2010
9 Last Day for Expert Disclosures: Friday, February 19, 2010
10 Close of Non-expert Discovery: Friday, February 12, 2010

11 **2. DISCLOSURE AND DISCOVERY**

12 Both parties acknowledge all obligations and procedures set forth by the Court in
13 its previous June 2, 2009, Order Scheduling Jury Trial and Pretrial Matters. Lead counsel for
14 each party shall serve and file a certification that all supplementation has been completed thirty
15 days prior to the close of non-expert discovery, as stated above.

16 **3. MOTIONS**

17 Both parties acknowledge all obligations and procedures set forth by the Court in
18 its previous June 2, 2009, Order Scheduling Jury Trial and Pretrial Matters.

19 **4. SETTLEMENT**

20 The parties stipulate, and thus request, that this case be referred for assignment to a
21 Magistrate Judge to conduct a settlement conference in March of 2010.

22 **5. PRETRIAL CONFERENCE**

23 Both parties acknowledge all obligations and procedures set forth by the Court in
24 its previous June 2, 2009, Order Scheduling Jury Trial and Pretrial Matters. Not less than twenty-
25 one days prior to the date of the new pretrial conference, the parties shall: (1) serve and file a
26 joint pretrial statement; containing all the information listed in Attachment 1 to the Court's June
27 2, 2009, Order, and a proposed pretrial order; (2) serve and file trial briefs, Daubert motions,
28 motions *in limine*, and statements designating excerpts from discovery that will be offered at

1 trial; (3) exchange exhibits, agree on and number a joint set of exhibits and number separately
2 those exhibits to which the parties cannot agree; (4) deliver all marked trial exhibits directly to the
3 courtroom clerk, Ms. Voltz; (5) deliver one extra set of all marked exhibits directly to chambers;
4 and (6) submit all exhibits in three-ring binders.

5 Not less than eleven days prior to the new pretrial conference date stated above,
6 the parties shall serve and file any objections to witnesses or exhibits or to the qualifications of an
7 expert witness. Oppositions shall be filed and served not less than six days prior to the
8 conference. There shall be no replies.

9 Not less than twenty-one days prior to the new pretrial conference date the parties
10 shall serve and file requested voir dire questions, jury instructions, and forms of verdict. No less
11 than eleven days prior to the new pretrial conference date, the parties shall serve and file any
12 objections to separately proposed jury instructions.

13 **IT IS SO STIPULATED.**

14 Dated: September 15, 2009

KNEISLER, SCHONDEL & HUBBS

15 By: 

16 Robert C. Hubbs
17 Attorneys for Plaintiff
18 JAMES PETERSEN

18 Dated: September 16, 2009

BASHAM PARKER LLP

19 By: 

20 Gary R. Basham
21 Derek C. Decker
22 Attorneys for Defendant
23 RADIOSHACK CORPORATION

24 **PURSUANT TO STIPULATION IT IS SO ORDERED:**

25 **UNITED STATES DISTRICT COURT**
26 **NORTHERN DISTRICT OF CALIFORNIA**

27 Dated: September 16, 2009

28 
U.S. MAGISTRATE BERNARD ZIMMERMAN