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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA,
 17 SAN FRANCISCO DIVISION

18 HALSEY MINOR, an individual,
 19 Plaintiff,

20 vs.

21 CHRISTIE'S INC., a New York corporation,
 22 and DOES 1 through 20, inclusive,
 23 Defendants.

Case No. CV 08 5445 WHA (Lead Case)
 Case No. CV 09 0471 WHA

Assigned to William H. Alsup

JOINT STIPULATION & REQUEST FOR AN
 ORDER MODIFYING THE COURT'S ORDER
 SCHEDULING INITIAL CASE
 MANAGEMENT CONFERENCE AND
 ALLOWING PLAINTIFF TO AMEND
 COMPLAINT; [DECLARATION OF JOSIAH
 S. TRAGER FILED HEREWITH]; AND ORDER

Date: April 23, 2009
 Time: 11:00 a.m.
 Ctrm.: 9

1 CHRISTIE'S INC., a New York corporation,
2 Counterclaimant,
3 vs.
4
5 HALSEY MINOR, an individual, and ROES
6 1 through 20, inclusive,
7 Counter-Defendants.

8 TO THIS HONORABLE COURT:

9 Plaintiff and Counter-Defendant Halsey ("Minor") and Defendant and Counter-Claimant
10 Christie's Inc. ("Christie's") jointly declare and submit the following Stipulation and Request for
11 an order modifying the Initial Case Management Conference set forth in the Court's prior
12 Scheduling Trial Order of filed March 10, 2009 (the "Court's Order"), pursuant to Civil Local
13 Rule 6-2.

14 STIPULATION

15 WHEREAS, the Court's Order currently sets the Case Management Conference in the
16 above titled action for March 26, 2009 at 11:00 a.m.;

17 WHEREAS, counsel for Christie's has an unavoidable client conflict on March 26, 2009;

18 WHEREAS, the Court clerk requests that all Case Management Conferences be held on
19 Thursdays;

20 WHEREAS, counsel for Christie's and counsel for Minor have reviewed their respective
21 schedules and determined that calendaring conflicts prevent their mutual availability on any
22 Thursday prior to April 23, 2009;

23 WHEREAS, counsel for Minor has stated their intention to amend Minor's complaint in
24 this action and has sought Christie's consent to allow the amendment;

25 WHEREAS, counsel for Christie's consents to allow Minor to amend his complaint;

26 WHEREAS, the case is in its infancy and this is the parties' first request to reschedule a
27 Court appearance;

1 WHEREAS, this is the Initial Case Management conference, the schedule for the case is
2 not set and therefore, there are no scheduled dates in this matter that will be affected by this
3 modification.

4 IT IS HEREBY STIPULATED BY THE PARTIES THROUGH THEIR COUNSEL OF
5 RECORD THAT:

6 The Case Management Conference currently set for March 26, 2009 at 11:00 a.m.
7 be rescheduled for April 23, 2009 at 11:00 a.m.; and

8 Minor shall be granted leave of the Court to amend his complaint by March 26,
9 2009.

10 Nothing herein shall serve as a waiver of any party's claims or defenses in this matter.

11 Dated: March 16, 2009

BROWNE WOODS GEORGE LLP

12
13 By: _____ /s/

14 Sylvia P. Lardiere
15 Attorneys for Plaintiff & Counter-Defendant
16 Halsey Minor

17 Dated: March 16, 2009

HUGHES HUBBARD & REED LLP

18
19 By: _____ /s/

20 Rita M. Haeusler
21 Attorneys for Defendant and Counter-Claimant
22 Christie's Inc.

23 **ORDER**

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Dated: March 16, 2009.

26
27 THE HONORABLE W
28 UNITED STATES DISTRICT JUDGE



29 The amended complaint must be filed by April 16, 2009. The case management conference is
30 continued to April 23, 2009, at 11:00. Please do not ask for any further continuances.

TRAGER DECLARATION

DECLARATION OF JOSIAH S. TRAGER

1
2
3 I, Josiah S. Trager, hereby declare as follows:

4 1. I am a member in good standing of the State Bar of California and the Bar of the
5 State of New York and am admitted to practice before this Court. I am associated with the firm
6 of Hughes Hubbard & Reed LLP, attorneys of record for Defendant and Counter-Claimant
7 Christie's Inc. ("Christie's"). I make this declaration pursuant to Local Rule 6-2(a) in support of
8 the parties' Joint Stipulation & Request for an Order Modifying the Court's Order Scheduling
9 Initial Case Management Conference and Allowing Plaintiff to Amend Complaint (the
10 "Stipulation"). The facts set forth herein are within my own personal knowledge, and if called as
11 a witness could and would testify competently thereto.

12 2. This case and the related case of *Christie Manson and Woods v. Minor* (09-cv-
13 00471) are both in their infancy – indeed, the stipulated time for Minor to answer the complaint
14 in the related action has not yet passed. After re-assignment of both of these actions from the
15 Honorable James Larson, Magistrate Judge, this Court – on March 10, 2009 – issued a notice
16 scheduling the Initial Case Management Conference (the "CMC") for 11:00 a.m. on Thursday,
17 March 26, 2009.

18 3. Counsel for Christie's who will be handling the CMC on behalf of Christie's has
19 two court appearances in Los Angeles in other matters scheduled for that day. As such, I
20 contacted Ms. Mansi Shah at Browne Woods George to request their assistance in rescheduling.
21 In coordinating schedules, it appeared that both parties would be available the following day
22 (Friday, March 27, 2009). Ms. Shah contacted the Court's clerk and informed me that a
23 recording on the clerk's voicemail stated that Case Management Conferences are only scheduled
24 for Thursdays. As such, Ms. Shah and I began coordinating schedules for a mutually available
25 Thursday. The first mutually available Thursday for both parties is April 23, 2009.

26 4. Counsel for Christie's is available the following Thursday, April 2, 2009, but
27 counsel for Minor is not. Likewise, Counsel for Minor is available the Thursday after that –
28

1 April 9, 2009, but Counsel for Christie's is not. Similarly, Counsel for Christie's is available the
2 following Thursday, April 16, 2009, but counsel for Minor is not.


3 5. Since both parties' counsel are available on April 23, 2009, they therefore request
4 that the CMC be scheduled for that date. Both parties are reluctant to postpone the CMC for
5 nearly a month, but this is the first mutually available Thursday.

6 6. Ms. Shah stated to me that Minor intends to seek leave to amend his complaint.
7 Christie's does not object.

8 7. This is the parties' first request to reschedule a Court appearance;

9 8. As this is the Initial CMC, the schedule for the case is not yet set and therefore,
10 there are no scheduled dates in this matter that will be affected by this modification.

11
12 I declare under the penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct, and that this Declaration was executed in Los Angeles, California
14 on March 16, 2009.

15
16 
17 Josiah S. Trager