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 7 and SUKHWANT K. DENHOY, as individuals and  
 8 as Trustees of THE DENHOY LIVING TRUST, d.b.a.  
 WILLOW PASS MOBILE HOME PARK, and  
 NITA DENHOY

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12 Attorneys for Plaintiff THERESA HUERTA

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15

16 THERESA HUERTA

17 Plaintiff

18 vs.

19 BALWANT S. DENHOY and SUKHWANT  
 20 K. DENHOY, as individuals and as trustees of  
 THE DENHOY LIVING TRUST, d.b.a.  
 21 WILLOW PASS MOBILE HOME PARK,  
 THE DENHOY LIVING TRUST, NITA  
 22 DENHOY, and DOES 1 THROUGH 10,  
 INCLUSIVE,

23 Defendants.

Case No. C-09-03130 EDL

STIPULATION OF THE PARTIES  
 UPON THE COURT'S CONTINUANCE  
 OF THE TRIAL AND ~~PROPOSED~~  
 ORDER FOR CONTINUANCE OF JURY  
 TRIAL AS MODIFIED





1 the Court for good cause shown. The Parties further agree and stipulate that any and all motions to  
2 compel expert discovery shall be filed by not later than **January 26, 2011**, in accordance with Civil  
3 Local Rule 26-2.

4 3. ALTERNATIVE DISPUTE RESOLUTION

5 As the Parties have engaged in formal mediation before court-appointed mediator Jean Hyams,  
6 Esquire, and engaged in information settlement discussions on August 4, 2010, and August 9, 2010,  
7 without success, the Parties agree that it would not likely be productive to accept the court's offer of the  
8 services of a Magistrate Judge to preside over a further settlement conference at this time. However, th  
9 Parties jointly request that the court hold open its offer of the services of a Magistrate Judge for purpos  
10 of a settlement conference should the Parties later agree that such a conference would be desirable.

11 4. PRETRIAL CONFERENCE

12 a. A Pretrial Conference will be held on <sup>March 1</sup>~~March 2~~, **2011 at 2:00 p.m.** in Courtroom E, 15th  
13 Floor. **Each party shall attend personally or by lead counsel who will try the case.**

14 b. The Parties acknowledge that on September 15, 2010, lead counsel met and conferred  
15 regarding the matters set forth in Paragraph 5(b) of the November 4, 2009 Pretrial Order, and agree that  
16 by so meeting, the Parties have fulfilled the requirements of Paragraph 5(b) of the Court's November 4.  
17 2009, Pretrial Order.

18 d. Counsel and/or the Parties shall meet the deadlines set forth in Paragraph 5(c) of the  
19 Court's November 4, 2009, Pretrial Order not later than **Thursday, February 10, 2011**, that is, not less  
20 than **twenty (20) days** prior to the **March 2, 2011**, pretrial conference.

21 e. Counsel and/or the Parties shall meet the deadlines set forth in Paragraph 5(d) of the  
22 court's November 4, 2009, Pretrial Order not later than **Friday, February 18, 2010**, that is, not less tha  
23 **ten (10) days** before prior to the pretrial conference.

1 5. All of the provisions of the court's November 4, 2009, Pretrial Order not otherwise modified  
2 herein remain in force and effect.

3 6. The Parties stipulate and agree that Defendants may apply to the court ex parte or on noticed  
4 motion, if the court so requires, or by any other procedure acceptable to the court, for an Order  
5 appointing a Guardian ad litem for Defendant Balwant S. Denhoy, which Guardian ad Litem shall  
6 consent to having Judge Laporte conduct any and all further proceedings in this case, including trial, an  
7 shall execute a form indicating such voluntary consent should the court so require.

8  
9 Dated: October 14, 2010

SCHIFF HARDIN LLP

10  
11 By: : /s/ Bruce A. Wagman  
12 BRUCE A. WAGMAN  
13 Attorneys for Plaintiff  
THERESA HUERTA

14 Dated: October 14, 2010

Law Offices of KAPLAN & SAM

15  
16 By: /s/ Benjamin Elliot Kaplan

17 BENJAMIN ELLIOT KAPLAN  
18 Attorneys for Defendants  
19 BALWANT S. DENHOY and SUKHWANT K.  
20 DENHOY, as individuals and as Trustees of THE  
21 DENHOY LIVING TRUST, d.b.a. WILLOW PASS  
22 MOBILE HOME PARK, and NITA DENHOY  
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 18, 2010

*Elizabeth D. Laporte*

ELIZABETH D. LAPORTE  
United States Magistrate Judge

1           **DECLARATION OF DOUGLAS CAMERON MACLELLAN REGARDING**  
2           **STIPULATION OF THE PARTIES UPON THE COURT'S CONTINUANCE OF THE**  
3           **TRIAL AND [PROPOSED] ORDER FOR CONTINUANCE OF JURY TRIAL**

4           I, Douglas Cameron MacLellan, declare:

5           1.       I am an attorney at law admitted to practice before all courts of this State and admitted  
6           to practice before the U.S. District Court for the Northern and Central Districts of California, as well as  
7           the Ninth Circuit Court of Appeals. I am associated with the Law Offices of KAPLAN & SAM,  
8           attorneys of record for Defendants BALWANT S. DENHOY and SUKHWANT K. DENHOY, as  
9           individuals and as Trustees of THE DENHOY LIVING TRUST, d.b.a. WILLOW PASS MOBILE  
10          HOME PARK, and NITA DENHOY. The matters stated herein are true as of my own knowledge.

11          2.       The instant Stipulation has been prepared because the Parties were informed on  
12          September 3, 2010, by Lili Harrell, courtroom deputy for the Hon. Elizabeth D. Laporte, that the trial in  
13          this matter, which had been set for November 15, 2010, would be continued because Magistrate Judge  
14          Laporte was not available to commence the trial on November 15, 2010. Ms. Harrell stated that the  
15          court had a two-week opening commencing on March 21, 2011 available to try this case.

16          3.       There have been three previous modifications of time periods in this case by stipulation,  
17          related to amendment of pleadings, time for response of one defendant, and extensions of discovery  
18          deadlines. The Parties, in the instant Stipulation, seek an extension of time to complete expert  
19          discovery beyond the time originally provided for by the court's November 4, 2009, Order. Given the  
20          continuance of the trial to March 21, 2011, the extension of time that the Parties seek to complete  
21          expert discovery would result the completion of expert discovery approximately three months before  
22          any further pre-trial filings would be required to be filed with the court.

23          4.       Except for the deadlines indicated in the attached Stipulation, no other dates or  
24          deadlines set forth in the court's Case Management and Pretrial Order for Jury Trial dated November 3,  
25          2009, shall be changed or affected by this Order.

