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 12 INTERNATIONAL, INC., HILL INTERNATIONAL  
 13 DEVELOPMENT, LTD., REDWOOD CAPITAL  
 14 ADVISORS, LLC, and Defendants STEPHEN  
 15 GOODMAN, AND S. DICK SARGON

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

19 (1) VIESTE, LLC, an Indiana corporation;  
 20 and  
 21 (2) VIESTE DEVELOPMENT, LLC; an  
 22 Indiana corporation,

23 Plaintiffs,

24 vs.

25 (1) HILL REDWOOD DEVELOPMENT,  
 26 LTD., a British Virgin Islands corporation;  
 27 (2) HILL INTERNATIONAL, INC., a  
 28 Delaware corporation;  
 (3) HILL INTERNATIONAL  
 DEVELOPMENT LTD., A British Virgin  
 Islands corporation;  
 (4) REDWOOD CAPITAL ADVISORS,  
 LLC, a Delaware corporation;  
 (5) STEPHEN GOODMAN, individually;  
 and  
 (6) S. DICK SARGON, individually;

Defendants.

CASE No. C09-04024 JSW

**STIPULATION AND ORDER  
 GRANTING LEAVE TO CONDUCT  
 CERTAIN DEPOSITIONS AFTER FACT  
 DISCOVERY CUT-OFF**

AND RELATED CROSS-CLAIMS.

1 For good cause as detailed below, subject to the Court's approval, and to avoid  
2 unnecessary discovery motion practice, the undersigned parties hereby stipulate and agree to  
3 allow two depositions to be completed after the current fact discovery cut-off of February 15,  
4 2011.

5 **WHEREAS:**

6 1. The current deadline to complete fact discovery is February 15, 2011, per Judge  
7 White's current Scheduling Order.

8 2. The parties have been working diligently to schedule a number of depositions, in  
9 various locations across the country, in advance of that deadline.

10 3. Despite the parties collective efforts, the parties have scheduling disputes with  
11 respect to three separate depositions: (1) the deposition of third-party witness Sanford Stein,  
12 currently noticed for February 14, 2011, in Chicago, Illinois; (2) the FRCP 30(b)(6) deposition of  
13 defendant Redwood Capital Advisors, LLC, currently noticed for February 14, 2011 in San  
14 Francisco, California; and (3) the FRCP 30(b)(6) deposition of defendant Hill Redwood  
15 Development, Ltd., currently noticed for February 15, 2011 in San Francisco, California.

16 4. Absent the relief sought herein from the Court, defendants anticipate filing a  
17 motion to quash the deposition subpoena issued to third-party witness Stein in the United States  
18 District Court, Northern District of Illinois due to, among other reasons, the unavailability of  
19 counsel to be present on the date and location chosen.

20 5. Absent the relief sought herein from the Court, defendants anticipate filing two  
21 motions for protective order to prevent the above FRCP 30(b)(6) depositions from proceeding as  
22 noticed, due to, among other reasons, the unavailability of the necessary witnesses to testify on  
23 the dates and locations chosen.

24 6. In order to avoid the need for the above-referenced motion practice, the parties  
25 have reached a stipulation that would allow the third-party Stein deposition to proceed as  
26 currently noticed (before the current fact discovery cut-off), and would allow the two above-  
27 referenced 30(b)(6) motions to proceed within a reasonable period of time (30 days) after the  
28 current fact discovery cut-off.

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7. The parties seek the Court’s approval of their stipulation, and request leave to allow only the two above-referenced FRCP 30(b)(6) depositions to be completed after the current fact discovery cutoff—but no later than March 17, 2011—or within a shorter time after the current discovery cutoff within the Court’s discretion.

8. No other changes to the Court’s scheduling order are sought, nor do the parties seek leave to conduct any other fact discovery after the current February 15, 2011 discovery cutoff.

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**ORDER**

Good cause appearing for the stipulated relief requested above, the Court hereby orders:

1. The deposition of third-party witness Sanford Stein, currently noticed for February 14, 2011, in Chicago, Illinois, shall proceed as noticed. Defendants agree to allow plaintiffs not less than 1 ½ hours of time to cross-examine the witness.

2. The FRCP 30(b)(6) deposition of defendant Redwood Capital Advisors, LLC, currently noticed for February 14, 2011 in San Francisco, California shall be vacated, and shall take place on a date and time to be agreed upon by the parties, on a date no later than March 17, 2011. The parties agree that the deposition shall take place in San Francisco, California.

3. The FRCP 30(b)(6) deposition of defendant Hill Redwood Development, Ltd., currently noticed for February 15, 2011 in San Francisco, California shall be vacated, and shall take place on a date and time to be agreed upon by the parties, on a date no later than March 17, 2011. The parties agree that the deposition shall take place in San Francisco, California.

4. No other changes to the Court’s scheduling order are made.

IT IS SO ORDERED.

Dated: 2/10/2011



HON. DONNA M. RYU  
United States Magistrate Judge

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