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6 Attorneys for Defendant/Crossclaimant  
 Bank of America, National Association  
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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

11 RICHARD G. WHITEHURST and LORRAINE  
 D. WHITEHURST, as individuals and as trustees  
 12 of the Whitehurst Family Trust,

13 Plaintiffs,

14 vs.

15 BANK OF AMERICA, NATIONAL  
 ASSOCIATION, a national banking corporation;  
 16 CHARLOTTE A. HEINL, as an individual dba  
 Norge Cleaners; and DOES 1 through 100,

17 Defendants.  
 18

19 BANK OF AMERICA, NATIONAL  
 ASSOCIATION, a national banking corporation,

20 Counterclaimant,

21 vs.

22 RICHARD G. WHITEHURST and LORRAINE  
 D. WHITEHURST, as individuals and as trustees  
 23 of the Whitehurst Family Trust; and ROES 1  
 through 100,

24 Counterdefendants.  
 25

No.: C 09-04808 MEJ

AMENDED

**STIPULATION AND ~~PROPOSED~~  
 ORDER SETTING REVISED CASE  
 MANAGEMENT ORDER**

REED SMITH LLP  
 A limited liability partnership formed in the State of Delaware

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1 BANK OF AMERICA, NATIONAL  
 ASSOCIATION, a national banking corporation,  
 2  
 3 Crossclaimant,  
 4 vs.  
 5 CHARLOTTE A. HEINL; and ZOES 1 through  
 100,  
 6 Crossdefendants.

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 8 Because further environmental investigation of Plaintiffs' property and the site is necessary  
 9 in order to determine the extent and costs of environmental clean-up at the site, for which the parties  
 10 continue to identify funding sources, including insurance coverage, and due to the fact that the  
 11 investigatory work will require approximately 90 days once the work commences, following which  
 12 the parties will need one to two months to assess the results and conduct settlement talks, Plaintiffs  
 13 Richard G. Whitehurst and Lorraine D. Whitehurst, as individuals and as trustees of the Whitehurst  
 14 Family Trust, and Defendants Bank of America, National Association and Charlotte A. Heidl, as an  
 15 individual and doing business as Norge Cleaners, stipulate to amending the Court's August 14, 2012  
 16 Order Granting Stipulation and Order Setting Revised Case Management Order (attached as Exhibit  
 17 A) as follows, and respectfully request that the Court approve the same:

Event	Operative CMO (8/14/2012)	Proposed Deadlines
Disclosure of Expert Witnesses	4/5/2013	9/3/2013
Rebuttal Expert Witnesses	4/26/2013	9/23/2013
Close of Discovery	5/31/2013	10/28/2013
File, Serve, and Notice Dispositive Motions	6/21/2013	11/18/2013
Last Day for Hearing on Dispositive Motions	8/1/2013	1/9/2014
Meet and Confer and Exchange Trial Papers	9/6/2013	2/3/2014
File papers (per FRCP 26(a)(3) and joint pretrial conference statement	9/20/2013	2/17/2014
Motions in limine – filed	9/20/2013	2/17/2014
Motions in limine – oppositions	9/27/2013	2/24/2014
File Trial Briefs	10/4/2013	3/3/2014

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File Joint Proposed and Disputed Voir Dire Questions	10/4/2013	3/3/2014
File Joint set of additional proposed jury instructions	10/4/2013	3/3/2014
Proposed Verdict forms	10/4/2013	3/3/2014
Pretrial Conference	10/10/2013	3/6/2014
Final Pretrial Conference	10/31/2013	<del>3/20/2014</del> 3/27/2014
Trial Date	11/4/2013	<del>3/24/2014</del> 3/31/2014

WHEREFORE, Plaintiffs and Defendants stipulate to and respectfully request that this Court amend the existing Case Management Order to incorporate the dates proposed above, while all other facets of the Court’s existing Case Management Order shall remain in effect. (A revised Case Management Order is attached as Exhibit B.)

Dated: January 8, 2013.

PALADIN LAW GROUP

By: /s/ John R. Till  
 John R. Till  
 Bret A. Stone  
 Brian R. Paget  
 Attorneys for Plaintiffs/Counter Defendants  
 Richard and Lorraine Whitehurst

Dated: January 8, 2013.

WOOD, SMITH, HENNING, BERMAN LLP

By: /s/ David F. Wood  
 David F. Wood  
 Matthew O. Kovacs  
 Attorneys for Plaintiffs/Counter Defendants  
 Richard and Lorraine Whitehurst

Dated: January 8, 2013.

REED SMITH LLP

By: /s/ Todd O. Maiden  
 Todd O. Maiden  
 Phillip H. Babich  
 Attorneys for Defendant/Crossclaimant  
 Bank of America, National Association

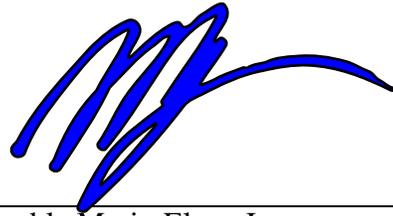
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**PROPOSED ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED** that this Court amends the existing Case Management Order to incorporate the dates proposed above, while all other facets of the Court’s existing Case Management Order shall remain in effect.

**IT IS SO ORDERED:**

DATED: January 9, 2013



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Honorable Maria-Elena James  
UNITED STATES CHIEF MAGISTRATE