

1 **THOITS, LOVE, HERSHBERGER & McLEAN**

2 William J. McLean (Bar No. 039264)

3 Stephen C. Gerrish (Bar No. 0612530)

4 Andrew P. Holland (Bar No. 224737)

5 285 Hamilton Avenue, Suite 300

6 Palo Alto, California 94301

7 Telephone: (650) 327-4200

8 Facsimile: (650) 325-5572

9 *Attorneys for Plaintiffs and Counterdefendants*

10 *The McGraw Company and Western Service Contract Corp.*

11 **PRUETZ LAW GROUP LLP**

12 Adrian M. Pruetz (Bar No. 118215)

13 ampruetz@pruetzlaw.com

14 Erica J. Pruetz (Bar No. 227712)

15 ejpruetz@pruetzlaw.com

16 200 N. Sepulveda Blvd., Suite 1525

17 El Segundo, California 90245

18 Telephone: 310.765.7650

19 Facsimile: 310.765.7641

20 *Attorneys for Defendant and Counterclaimants*

21 *H-D Michigan, LLC and Harley-Davidson*

22 *Financial Services, Inc.*

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SAN FRANCISCO DIVISION

26 THE MCGRAW COMPANY, a California
27 corporation; and WESTERN SERVICE
28 CONTRACT CORP. a California corporation,
29
30 Plaintiffs,

31 v.

32 H-D MICHIGAN, LLC, a Michigan limited
33 liability company; and HARLEY-DAVIDSON
34 FINANCIAL SERVICES, INC., a Delaware
35 corporation,
36
37 Defendant.

38 CASE NO. CV10-00539 JSW
39 STIPULATION TO EXTEND TRIAL
40 DEADLINES, DISCOVERY AND MOTION
41 CUT-OFF AND ~~PROPOSED~~ ORDER
42 THEREON

43 And Related Counterclaims.

1 IT IS HEREBY STIPULATED by the parties hereto, through their respective counsel,
2 pursuant to Civil Local Rule 6-2, that:

- 3 (1) the current trial date of July 11, 2011 be extended to August 8, 2011;
- 4 (2) the current pretrial conference date of June 20, 2011 be extended to July 18, 2011;
- 5 (3) the last day to hear dispositive motions be extended from May 13, 2011 to June 17,
6 2011;
- 7 (4) the current expert discovery cut-off of April 22, 2011 be extended to May 23, 2011;
- 8 (5) the last day for expert disclosure be extended from March 4, 2011 to April 4, 2011; and
- 9 (6) the current non-expert discovery cut-off of March 4, 2011 be extended to April 4,
10 2011.

11 All other court scheduled dates and deadlines shall remain the same.

12 Good cause exists to grant this extension as follows: the parties are working together to
13 resolve this matter. The parties attended mediation on December 9, 2010. They are in the process
14 of working out a settlement and anticipate reaching a mutual resolution shortly. To ensure the
15 parties are not prejudiced by their attempts to settle, and to avoid potentially unneeded litigation,
16 they mutually and in good faith, seek an extension of the remaining deadlines.

17 Previously, stipulations and orders resulted in the following time modifications:

18 On February 23, 2010, the parties stipulated and the Court ordered to extend the time for
19 plaintiffs to file an amended complaint to March 10, 2010 and for defendant to respond to the
20 complaint or first amended complaint, if applicable, to April 2, 2010.

21 On October 15, 2010, the parties stipulated and the Court ordered to extend the last day for
22 fact discovery from January 12, 2011 to March 4, 2011, and the last day for expert discovery
23 would be extended from March 25, 2011 to April 22, 2011.

24 The stipulation and proposed order, if issued, would affect the fact and expert discovery
25 cut-offs set by the Court via its scheduling order, dated June 21, 2010, Docket No. 20, in the
26 manner shown in Schedule A attached hereto.

1 WHEREAS the current trial date in this action is July 11, 2011;

2 WHEREAS the current pretrial conference is set for June 20, 2011;

3 WHEREAS the last day to hear dispositive motions is May 13, 2011;

4 WHEREAS the current expert discovery cut-off is April 22, 2011;

5 WHEREAS the last day for expert disclosure is March 4, 2011;

6 WHEREAS the current non-expert discovery cut-off is set for March 4, 2011;

7 WHEREAS the parties are currently in settlement negotiations and hope and anticipate
8 resolution of this matter;

9 WHEREAS in light of current settlement discussions the parties have agreed to extend
10 deadlines in this matter to save time and resources, avoid potentially unnecessary litigation and to
11 ensure no party is prejudiced;

12 NOW THEREFORE, the parties, through their respective counsel, hereby stipulate to and
13 request an order:

- 14 (1) extending the current trial date of July 11, 2011 to August 8, 2011;
15 (2) extending the current pretrial conference date of June 20, 2011 to July 18, 2011;
16 (3) extending the last day to hear dispositive motions of May 13, 2011 to June 17, 2011;
17 (4) extending the current expert discovery cut-off of April 22, 2011 to May 23, 2011;
18 (5) extending the last day for expert disclosure of March 4, 2011 to April 4, 2011; and
19 (6) extending the current non-expert discovery cut-off of March 4, 2011 to April 4, 2011.
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: January 27, 2011

THOITS, LOVE, HERSHBERGER & MCLEAN

By /s/ Andrew P. Holland

Andrew P. Holland
Attorneys for Plaintiffs and Counterdefendants
McGraw Commercial Insurance Services and
Western Service Contract Corp.

DATED: January 27, 2011

PRUETZ LAW GROUP LLP

By /s/ Erica J. Pruetz

Erica J. Pruetz
Attorneys for Defendant and Counterclaimants
H-D Michigan, LLC and Harley-Davidson-
Financial Services, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Declaration of Consent

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Andrew P. Holland.

DATED: January 27, 2011

PRUETZ LAW GROUP LLP

By /s/ Erica J. Pruetz

Erica J. Pruetz
Attorneys for Defendant and Counterclaimants
H-D Michigan, LLC and Harley-Davidson-
Financial Services, Inc.

IT IS SO ORDERED.

DATED: January 27, 2011



HON. JEFFREY S. WHITE
United States District Judge