

1 JOHANSON BERENSON LLP
2 DAVID R. JOHANSON Bar No. 164141
3 50 W. Dayton Street, Suite 303
4 Pasedena, California 91105
5 Telephone: (626) 792-0028
6 Facsimile: (707) 581-1704
7 drj@esop-law.com

8 Attorneys for Plaintiff
9 DKS Associates

10 STEIKER, FISCHER, EDWARDS & GREENAPPLE, P.C.
11 MARGARET P. STEERE Bar No. 263429
12 msteere@sfeqlaw.com
13 401 Warren Street, Suite 202
14 Redwood City, California 94063
15 Telephone: (650) 216-9393
16 Facsimile: (215) 508-2500

17 Attorneys for Plaintiff
18 DKS Associates Stock Ownership Plan and Trust

19 SEDGWICK, DETERT, MORAN & ARNOLD LLP
20 DENNIS G. ROLSTAD Bar No. 150006
21 SCOTT BLOOM Bar No. 183891
22 ERIN A. CORNELL Bar No. 227135
23 One Market Plaza
24 Steuart Tower, 8th Floor
25 San Francisco, California 94105
26 Telephone: (415) 781-7900
27 Facsimile: (415) 781-2635
28 dennis.rolstad@sdma.com

Attorneys for Defendants
American Qualified Plans, Inc.; Todd Henry; and Gordon Storjohann

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 DKS ASSOCIATES, a California Corporation;
2 DKS ASSOCIATES EMPLOYEE STOCK
OWNERSHIP PLAN AND TRUST,

3 Plaintiffs,

4 v.

5 AMERICAN QUALIFIED PLANS, INC.;
6 TODD HENRY; GORDON STORJOHANN;
and DOES 1-50, Inclusive,

7 Defendants.

CASE NO. C 10-01187 JCS

**JOINT STIPULATION AND [PROPOSED]
ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE TO
FEBRUARY 25, 2011**

JUDGE: Honorable Joseph C. Spero

8
9 Plaintiffs DKS Associates and DKS Associates Employee Stock Ownership Plan and
10 Trust, and defendants American Qualified Plans, Inc., Todd Henry, and Gordon Storjohann,
11 through their counsel of record herein, hereby STIPULATE and AGREE as follows:

12 1. On October 21, 2010, the parties participated in a mediation before the Honorable
13 Ellen S. James (retired). The parties have worked diligently to reach a settlement of this
14 litigation since that date; however, they have not been successful in agreeing upon the forms of
15 the Settlement Agreement and Mutual General Release and various financial and other factual
16 Declarations to date, but appear to be nearing agreement on all aspects of the settlement. If the
17 parties are successful in agreeing upon the forms of the necessary settlement documents on or
18 before Wednesday, January 12, 2011, they will file a Joint Stipulation of Dismissal with this
19 Court on that date and the parties respectfully ask this Court to thereafter take the Initial Case
20 Management Conference scheduled for Friday, January 14, 2011, off-calendar until this Court
21 approves the parties' Joint Stipulation of Dismissal.

22 2. If the parties are not successful in agreeing upon the forms of the necessary
23 settlement documents on or before Wednesday, January 12, 2011, they will not file a Joint
24 Stipulation of Dismissal with this Court on that date and the parties respectfully request this
25 Court to thereafter continue the date to file their Joint Case Management Conference Statement,
26 and make initial disclosures, to January 21, 2011; continue the Initial Case Management
27 Conference to February 25, 2011; and continue the stay on all discovery and other litigation to
28

1 January 17, 2011.

2 3. Therefore, the parties STIPULATE, AGREE, AND RESPECTFULLY
3 REQUEST that this Court continue the dates for their Joint Case Management Conference
4 Statement to be filed, and initial disclosures made, to January 17, 2011; continue the Initial Case
5 Management Conference to February 25, 2011; and stay all discovery and other litigation until
6 January 17, 2011.

7

8 SO STIPULATED, AGREED, AND RESPECTFULLY REQUESTED:

9

10 DATED: January 7, 2011

JOHANSON BERENSON LLP

11

12 By: 

13 David R. Johanson
Attorneys for Plaintiff
DKS Associates

14

15 DATED: January 7, 2011

STEIKER, FISCHER, EDWARDS & GREENAPPLE, P.C.

16

17 By: 

18 Margaret P. Steepe
Attorneys for Plaintiff
DKS Associates Employee Stock Ownership Plan and Trust

19

20 DATED: January 7, 2011

SEDGWICK, DETERT, MORAN & ARNOLD LLP

21

22 By: 

23 Dennis G. Rolstad
Attorneys for Defendants
American Qualified Plans, Inc.; Todd Henry; and Gordon
24 Storjohann

25

26 **ORDER**

27

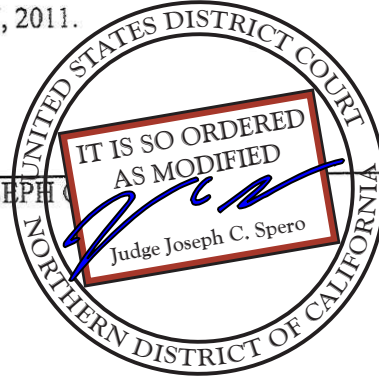
28 IT IS SO ORDERED that the Initial Case Management Conference scheduled for Friday,
January 14, 2011, is taken off-calendar until this Court approves the parties' Joint Stipulation of

1 Dismissal that they filed on January 12, 2011; or, in the alternative,

2 IT IS SO ORDERED that the parties' Joint Case Management Conference Statement is to
3 be filed, and initial disclosures made, by January 21, 2011; that the Initial Case Management
4 Conference is continued from January 14, 2011, to ~~February 25, 2011~~ ^{March 4}, at 1:30 p.m.; and that all
5 discovery and other litigation is stayed until January 17, 2011.

6 DATED: 1/11/11

7
8 HONORABLE JOSEPH C. SPERO



9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28