

1 Peter A. Dubrawski (Bar No. 65677)  
 Krsto Mijanovic (Bar No. 205060)  
 2 Haight Brown & Bonesteel LLP  
 6080 Center Drive, Suite 800  
 3 Los Angeles, CA 90045-1574  
 Telephone: 310.215.7100  
 4 Facsimile: 310.215.7300

5 Attorneys for Defendant  
 BROAN-NUTONE LLC

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 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

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11 CALIFORNIA STATE AUTOMOBILE )  
 ASSOCIATION INTER-INSURANCE )  
 12 BUREAU, as subrogee of Steven and )  
 Sheila Spieller, )

Case No. 3:10-CV-01570-JSW

Judge Hon. Jeffrey S. White

13 Plaintiff,

**STIPULATION OF PARTIES TO  
 MODIFY SCHEDULING ORDER  
 TO EXTEND DISCOVERY AND  
 EXPERT CUT-OFF DATES**

14 vs.

15 WHIRLPOOL CORPORATION;  
 16 MAYTAG CORPORATION; BROAN-  
 NuTONE LLC and DOES 1 through 25,  
 17 Inclusive,

18 Defendant.

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20 All parties hereto, by and through their attorneys of record, stipulate as  
 21 follows:

22 1. This matter involves a fire loss that occurred on August 6, 2007 at a  
 23 residence located at 304 Miramontes Avenue, Half Moon Bay, California. The fire  
 24 was investigated by the Half Moon Bay Fire Department. On information and  
 25 belief, the Half Moon Bay Fire Department merged with the Coastside Fire  
 26 Department, and eventually came to be known as CAL-FIRE.

27 2. Broan-NuTone LLC has diligently pursued discovery; however, due to  
 28 the merger of the two fire departments, CAL-FIRE was not able to locate and

1 identify the individuals from the responding fire department who investigated the  
2 subject fire, as well as the photographs of fire. The absence of this information has  
3 prevented Broan-NuTone LLC from determining the facts and circumstances  
4 surrounding the subject fire. It was not until recently that Broan-NuTone was  
5 finally able to track down the lead investigator to secure his deposition.

6 3. Furthermore, over the past 12 months, Broan-NuTone LLC has also  
7 had great difficulty locating witness Martiza Spieller, who was the last person to  
8 leave the subject premises before the fire. After a diligent search, Broan-NuTone  
9 LLC discovered that Ms. Spieller was a student at San Luis Obispo, and secured her  
10 deposition earlier this month.

11 4. Plaintiff recently noticed the deposition of the 30(b)(6) witness of  
12 Broan-NuTone LLC, however, due to scheduling conflicts and the fact that Broan's  
13 company witness resides in Wisconsin, said deposition was unable to go forward.  
14 The parties hereby agree to a short continuance of the discovery cut-off and expert  
15 designation periods so as to give the parties sufficient time to complete discovery.

16 5. Furthermore, now that the parties have been able to secure the fire  
17 investigation materials and deposition testimony of the fire department, the parties  
18 have agreed to submit this matter to private mediation.

19 6. Under the existing Scheduling Order, the discovery cut-off is May 23,  
20 2011 and plaintiff's expert designation is due on May 31, 2011, and defendant's  
21 expert designation is due on June 27, 2011. The Pre-Trial Conference is scheduled  
22 on October 3, 2011, and the Trial is scheduled on October 24, 2011.

23 7. Accordingly, the parties so stipulate to extend the non-expert and  
24 expert discovery as follows:

- |    |                                    |                 |
|----|------------------------------------|-----------------|
| 25 | a. Discovery Cut-Off:              | July 11, 2011   |
| 26 | b. Plaintiff's Expert Designation: | August 1, 2011  |
| 27 | c. Defendant's Expert Designation: | August 29, 2011 |

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8. The original Pre-Trial Conference and the Trial dates shall remain.

**IT IS SO STIPULATED.**

Dated: May 20, 2011

HAIGHT BROWN & BONESTEEL LLP

By: /s/ Krsto Mijanovic

Peter A. Dubrawski  
Krsto Mijanovic  
Attorneys for Defendant  
BROAN-NUTONE LLC

Dated: May 20, 2011

JANG & ASSOCIATES

By: /s/ Joseph Aslteford

Joseph Aslteford  
Attorneys for Plaintiff  
CALIFORNIA STATE  
AUTOMOBILE ASSOCIATION  
INTER-INSURANCE BUREAU

**IT IS SO ORDERED.**

Dated: May 24, 2011

  
Hon. Jeffrey S. White  
Judge, United States District Court