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8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
 11 ROBERT L. CAZET, an individual, et al.
 Plaintiffs,
 12
 13 vs.
 14 TOPPA EPPS, an individual, et al.
 Defendants.
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 16 TOPPA EPPS, an individual, et al.
 17 Counterclaimants,
 18 vs.
 19 ROBERT L. CAZET, an individual, et al.
 20 Counterdefendants.
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CASE NO: C 10-02460 JSW
 ORDER RE:
**Stipulation and Joint Motion for an
 Order Modifying the November 8, 2010
 Scheduling Order**

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1 **STIPULATION AND JOINT MOTION FOR AN ORDER MODIFYING SCHEDULING ORDER**

2 On November 8, 2010, the Court ordered the parties to this action to conduct an Early
3 Neutral Evaluation by February 28, 2011, to conclude fact discovery by March 1, 2011, to file
4 certification that all written discovery had been supplemented by January 28, 2011, and to conclude
5 expert discovery by April 7, 2011. Since then, the parties have conducted voluminous written
6 discovery, which was stymied for the following reasons:

- 7 a) It involved, for all parties, the review and production of thousands of email messages
8 and other documents, which, due to technology issues, required significant
9 additional time to produce.
- 10 b) It involved obtaining documents from, *inter alia*, third parties, from newspaper
11 archives and databases, and also via subpoena duces tecum.
- 12 c) Plaintiffs’ lead counsel was called away to Florida for a family emergency for a
13 week in January 2011.
- 14 d) The interruptions of the winter holidays.

15 Depositions have also been delayed as a result of the delay in document production and the
16 unavailability of parties and counsel.

17 Nevertheless, the parties have been and continue to be engaged in settlement discussions
18 and a mediation of this matter will be held beginning February 15, 2011. The parties are in
19 agreement that proceeding with oral depositions before the mediation will impair settlement
20 prospects, as it would drive up costs and legal fees on both sides. Additionally, it would prove to be
21 a waste of resources should the mediation be successful.

22 Should the mediation not resolve this matter, oral depositions will again be delayed due to
23 unavailability of parties and counsel until during the latter half of February. Furthermore, given the
24 type of written discovery propounded by the parties (i.e. many “state all facts/identify all
25 documents” contention interrogatories), it will be impossible for the any of the parties to completely
26 supplement written discovery until after all depositions are taken and reviewed.

27 Given all of the above, good cause exists for modifying the November 8, 2010 scheduling
28 order.

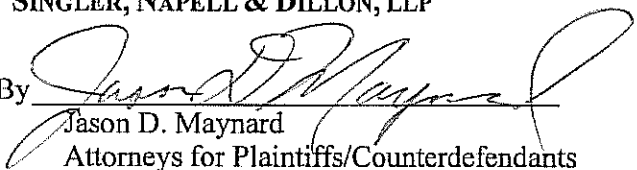
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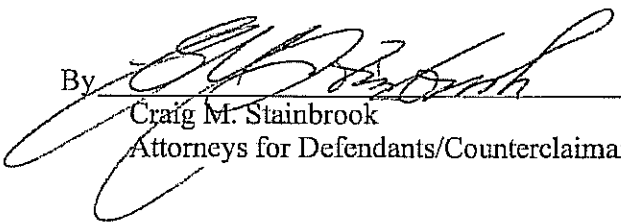
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Wherefore, all parties, through their counsel, agree and stipulate to the following and respectfully move this Court for any order modifying its November 8, 2010 Scheduling Order as follows:

- 1) Instead of engaging in an Early Neutral Evaluation, the parties may fulfill their ADR requirements by conducting a private mediation on or before February 28, 2011.
- 2) The fact discovery cutoff, formerly March 1, 2011, is hereby extended to April 1, 2011.
- 3) No later than 10 days after the close of fact discovery, all parties shall serve any supplemental responses to written discovery, and lead counsel for each party shall file with the Court a certification that supplementation is complete.
- 4) The expert discovery cutoff, formerly April 7, 2011, is hereby extended to May 7, 2011 and the deadline for expert disclosure, formerly March 15, 2011 is hereby extended to April 15.

All other deadlines in the Court's November 8, 2010 order, including the April 15, 2011 Case Management Conference, the last date to hear dispositive motions, and the trial date remain unchanged.

Dated: January 27, 2011
By 
Jason D. Maynard
Attorneys for Plaintiffs/Counterdefendants

Dated: January 22, 2011
By 
Craig M. Stainbrook
Attorneys for Defendants/Counterclaimants

GOOD CAUSE APPEARING, IT IS SO ORDERED.

Dated: January 28, 2011

Hon. Jeffrey S. White, DISTRICT JUDGE