

1 Craig M. Stainbrook, Calif. State Bar #160876
 STAINBROOK & STAINBROOK, LLP
 2 412 Aviation Boulevard, Suite H
 3 Santa Rosa, California 95403
 707.578.9333 phone
 4 707.578.3133 fax
 E-mail: craig@northbay-iplaw.com

5
 6 Robert B. Golden, Esq., *admitted pro hac vice*
 LACKENBACH SIEGEL LLP
 7 Lackenbach Siegel Building
 One Chase Road
 8 Scarsdale, New York 10583
 914.723.4300 phone
 9 914.723.4301 fax
 10 E-mail: rgolden@LSLLP.com
 Attorneys for Defendants/Counterclaimants
 11 TOPPA EPPS, CAMMERON RIPLEY,
 EDWARD HAYMAN, and AAUSA, LLC
 12

13
 14 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 **SAN FRANCISCO**

16
 17 ROBERT L. CAZET, an individual, et al.

18 Plaintiffs,

19 v.

20 TOPPA EPPS, an individual, et al.

21 Defendants.

22
 23 TOPPA EPPS, an individual, et al.

24 Counterclaimants,

25 v.

26 ROBERT L. CAZET, an individual, et al.

27 Counterdefendants.
 28

CASE NO. C 10-02460 JSW

**STIPULATION AND JOINT MOTION
 FOR AN ORDER MODIFYING
 SCHEDULING ORDER; [~~PROPOSED~~]
 ORDER]**

1 Court's Order [ECF-CAND Doc. 85] the parties are to meet and confer on a briefing schedule on
2 cross-motions for summary judgment whereby the opening brief on one party's summary judgment
3 motion shall be filed by May 20, 2011; the other party shall file its opposition and opening cross-
4 summary judgment brief by June 3, 20-11; the reply in support of the opening motion and opposition
5 to the cross-motion must be filed by June 17, 2011; the reply in support of the cross-motion must be
6 filed by June 24, 2001. The Court further Ordered that the hearing on the motions for summary
7 judgment be continued from June 10, 2011 to July 15, 2011 at 9:00 am, and that the trial date be
8 continued from September 12, 2011 to November 28, 2011. Other scheduling matters are to be
9 addressed in the parties joint statement filed in advance of the further case management conference
10 set for April 15, 2011.
11

12
13 Plaintiffs and Defendants are currently engaged in taking depositions, with several remaining
14 on each side. Both sides continue to update discovery responses and produce documents and things
15 responsive to earlier filed discovery requests. Depositions of two Defendants are scheduled to take
16 place either April 13-14 or 14-15 in Atlanta, Georgia; depositions of two Plaintiffs are currently
17 being scheduled for April 27-28; depositions of third party witnesses are also being scheduled for the
18 week of April 25-29. Counsel for each side remain flexible in scheduling depositions and cooperating
19 with each other in an effort to complete fact discovery by the presently set deadline of May 2, 2010.
20

21 The further case management conference is currently set for April 15, 2010. The parties are
22 mindful that the purpose of interim pretrial conferences is to allow for a periodic review of the initial
23 scheduling order and to give consideration to such matters as narrowing of issues, the appropriateness
24 and timing of summary adjudication, amendments to pleadings, and so forth. In view of these
25 established purposes, and further in view of the discovery remaining in the case, as well as the
26 difficulty of coordinating long distance travel to attend the interim scheduling conference, the parties
27
28

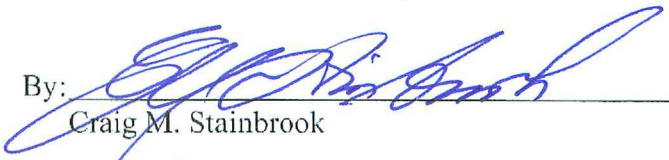
1 respectfully submit that the further case management conference would be more productive for the
2 parties, and more constructive and a better use of court resources were it continued to take place on a
3 date which, in relation to other dates currently set, would place it at substantially the same relative
4 date that it occupied in the original Order Scheduling Trial and Pretrial Matters – i.e., a reasonable
5 time after the close of fact discovery.
6

7 For the foregoing reasons, good cause exists for modifying the November 8, 2010 Scheduling
8 Order, as modified on January 28, 2001, March 3, 2011, and March 11, 2011. Wherefore the parties,
9 through their respective attorneys of record, agree and stipulate to the following:

10 The further case management conference, currently scheduled for April 15, 2010, shall be
11 continued to May 13 or May 20, 2010, or any date thereafter that the Court in its discretion deems
12 appropriate and convenient.
13

14 **STAINBROOK & STAINBROOK, LLP**

15
16 Dated: April 4, 2011

17 By: 
18 Craig M. Stainbrook


19 **LACKENBACH SIEGEL, LLP**

20 Robert B. Golden

21 Attorneys for Defendants/Counterclaimants
22 TOPPA EPPS, CAMMERON RIPLEY,
23 EDWARD HAYMAN, and AAUSA, LLC

24
25 Dated: April 4, 2011

26 **SINGLER, NAPELL & DILLON, LLP**

27 By: 
28 Jason D. Maynard
29 Attorneys for Plaintiffs/Counterdefendants
30 Robert L. Cazet, Alumni Athletics USA, LLC,
31 And Alumni Athletics USA, Inc.

