

1 JAMES T. DIAMOND, JR., SBN #131525
 2 XOCHITL CARRION, SBN #252733
 3 GOLDFARB & LIPMAN LLP
 4 1300 Clay Street, Eleventh Floor
 5 City Center Plaza
 6 Oakland, CA 94612
 7 Telephone: (510) 836-6336
 8 Facsimile: (510) 836-1035
 9 E-mail: jdiamond@goldfarbblipman.com

10 Attorneys for Defendants
 11 ANANDA FUARA RESTAURANT and GARIMA HOFFMANN

12 UNITED STATES DISTRICT COURT
 13
 14 NORTHERN DISTRICT OF CALIFORNIA

15 ASHANKA STAGG, DAMIAN SEQUOIA,
 16 LUCIAN BALMER, and SUNDARI
 17 MICHAELIAN,

18 Plaintiffs,

19 v.

20 ANANDA FUARA RESTAURANT, an
 21 entity, form unknown, et al.,

22 Defendants.

Case No. C10-02768 JSW

**STIPULATION TO AMEND
 PRETRIAL SCHEDULING ORDER;
 [PROPOSED] ORDER
 CONTINUING MOTION HEARING
 AND TRIAL DATES**

23 The Parties, Defendants Ananda Fuara Restaurant, Garima Hoffmann, Sri Chinmoy
 24 Society, Inc. and Sri Chinmoy Centre (sometimes collectively referred to herein as the
 25 "Defendants") and Plaintiffs Ashanka Stagg, Damian Sequoia, Lucian Balmer and Sundari
 26 Michaelian (collectively, the "Plaintiffs"), through their counsel of record, request and stipulate
 27 to amend the Pretrial Scheduling Order per Federal Rules of Civil Procedure, rule 16(b), for
 28 good cause as follows:

RECITALS

1. Whereas, the Court issued a Pretrial Scheduling Order on October 25, 2010;
2. Whereas, the Parties have propounded written discovery and anticipate upwards of 20 days of deposition discovery in this action;
3. Whereas, the Parties have agreed to mediate this case at this point in the litigation,

1 before the expense of deposition discovery must be incurred;

2 4. Whereas, the Parties scheduled a mediation with Michael Loeb at JAMS for May
3 13, 2011, which would have permitted them to attempt to finally resolve this action before
4 having to incur substantial litigation expenses;

5 5. Whereas, Moira McQuaid, counsel for Plaintiffs, is currently involved in what
6 will be nearly a two-month trial in San Francisco Superior Court. The case was assigned out for
7 trial on March 14, 2011 after defense counsel in that case moved to continue an earlier February
8 22, 2011 trial date. Since the trial assignment, the case has been subject to another short
9 continuance at the request of defense counsel for personal reasons. The trial judge now
10 estimates that with the current trial time estimates, the earliest date testimony is likely to be
11 concluded is May 10, 2011, and that with the prospect for some delay and allowing time for jury
12 deliberations, the matter will likely extend through May 13, 2011 and possibly into the following
13 week, starting May 16, 2011;

14 6. Whereas, the next available date for Mr. Loeb to mediate this case are in early
15 June 2011, which will not give the parties sufficient time to conduct the mediation and then
16 complete discovery in this action due to the July 8, 2011 fact discovery cutoff date;

17 7. Whereas, the parties have scheduled the mediation with Mr. Loeb for June 10,
18 2011, the first date that all parties and counsel were mutually available;

19 8. Whereas, the Parties cannot complete the discovery process within the deadlines
20 set forth in the Pretrial Scheduling Order and mediate this case prior to commencing depositions,
21 and therefore the Parties respectfully request that this Court, as set forth below in the Parties'
22 Stipulation, move forward the discovery dates four weeks and the dispositive motion dates seven
23 weeks to allow the Parties time to attempt to resolve this case informally before having to incur
24 substantial further discovery costs, and to permit them a reasonable amount of time to complete
25 discovery should the mediation not be successful; and,

26 9. Whereas, in October 2010 the Pretrial Conference in this action was initially set
27 for November 21, 2011, but it appears from the Court's current schedule that it will not be
28 available on that date in 2011.

1 The Parties do not seek at this time a continuance of the Trial Date.

2 **STIPULATION**

3 NOW THEREFORE, the Parties, through their respective counsel of record, stipulate and
4 request that the following dates set forth in the October 25, 2010 Pretrial Order, and the Expert
5 Witness Disclosure dates, be extended as follows:

6 June 29, 2011 Last day to amend pleadings
7 August 5, 2011 Close of fact discovery
8 August 18, 2011 Expert Witness Disclosures (initial)
9 September 1, 2011 Expert Witness Disclosures (rebuttal)
10 September 23, 2011 Close of expert discovery
11 October 28, 2011 9:00 a.m.: Hearing on dispositive motions

12 If the parties plan to file cross-motions for summary judgment, the parties shall
13 meet and confer and agree to a briefing schedule whereby:

14 One party files an opening summary judgment motion by September 2, 2011

15 The other party shall file its opposition and cross-motion by September 16, 2011

16 The reply and opposition to the cross-motion is due by September 30, 2011

17 The reply in support of the cross-motion is due by October 7, 2011

18 November 28, 2011 2:00 p.m. Pretrial Conference

19 Dated: April ____, 2011

20 Goldfarb &
21 Lipman LLP
22 1300 Clay Street
23 Eleventh Floor
24 Oakland
25 California

/s/
James T. Diamond, Jr.
GOLDFARB & LIPMAN
Attorneys for Defendants
ANANDA FUARA RESTAURANT
and GARIMA HOFFMANN

26 94612
27 510 836-6336
28 510 836-1035 FAX

Dated: April ____, 2011

/s/
Michael F. McCabe
LITTLER MENDELSON
Attorneys for Defendants
SRI CHINMOY SOCIETY, INC.
and SRI CHINMOY CENTRE

1 Dated: April ____, 2011

2 _____
3 /s/
4 Moira C. McQuaid
5 LAW OFFICES OF MOIRA C. MCQUAID
6 Attorneys for Plaintiffs
7 ASHANKA STAGG, DAMIAN
8 SEQUOIA, LUCIAN BALMER, and
9 SUNDARI MICHAELIAN

10 **ATTESTATION OF E-FILED SIGNATURE**

11 I, James T. Diamond, Jr. am the ECF User whose ID and password are being used to file
12 this Stipulation. In compliance with General Order 45, X.B., I hereby attest that Moira McQuaid
13 and Michael McCabe have read and approved this Stipulation and consent to its filing.

14 Dated: April ____, 2011

15 _____
16 /s/
17 James T. Diamond, Jr.
18 GOLDFARB & LIPMAN

19
20 Goldfarb &
21 Lipman LLP
22 1300 Clay Street
23 Eleventh Floor
24 Oakland
25 California
26 94612
27 510 836-6336
28 510 836-1035 FAX

ORDER

Based upon the foregoing stipulation and good cause appearing therefore,

IT IS HEREBY ORDERED that the following dates set forth in the October 25, 2010

Pretrial Order, and Expert Witness Disclosure dates, be extended as follows:

- June 29, 2011 Last day to amend pleadings
- August 5, 2011 Close of fact discovery
- August 18, 2011 Expert Witness Disclosures (initial)
- September 1, 2011 Expert Witness Disclosures (rebuttal)
- September 23, 2011 Close of expert discovery
- October 28, 2011 9:00 a.m.: Hearing on dispositive motions

If the parties plan to file cross-motions for summary judgment, the parties shall meet and confer and agree to a briefing schedule whereby:

One party files an opening summary judgment motion by September 2, 2011

The other party shall file its opposition and cross-motion by September 16, 2011

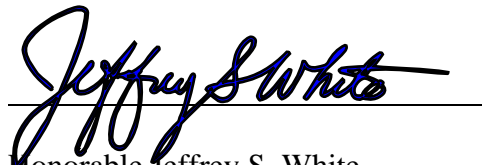
The reply and opposition to the cross-motion is due by September 30, 2011

The reply in support of the cross-motion is due by October 7, 2011

~~November 28, 2011 2:00 p.m.:~~ Pretrial Conference is continued to March 12, 2012 at 2:00 p.m. Trial is continued to April 2, 2012 at 8:00 a.m.

IT IS SO ORDERED.

DATED: April 28, 2011



Honorable Jeffrey S. White
United States District Court Judge

Goldfarb &
Lipman LLP
1300 Clay Street
Eleventh Floor
Oakland
California
94612
510 836-6336
510 836-1035 FAX