

1 ROBERT C. CHRISTENSEN (State Bar Number 151296)
2 SHERMAN C. LEE (State Bar Number 145765)
3 COLLIAU ELENIS MURPHY CARLUCCIO
4 KEENER & MORROW
5 555 Mission Street, Suite 330
6 San Francisco, CA 94105
7 Phone: (415) 932-7000
8 Fax: (415) 932-7001

9 Attorneys for Defendant
10 CONTINENTAL CASUALTY COMPANY

11 PAUL D. FIFE, ESQ. (SBN 114848)
12 TERENCE H. KENNEY, ESQ. (SBN 116687)
13 WILD, CAREY & FIFE
14 100 Montgomery Street, Suite 1000
15 San Francisco, CA 94104-4342
16 paulfife@wcandf.com
17 terencekenney@wcandf.com
18 Telephone: (415) 837-3101
19 Facsimile: (415) 837-3111

20 Attorneys for Plaintiffs
21 FRESHERIZED FOODS, INC. and
22 AVOMEX, INC.

23
24 IN THE UNITED STATES DISTRICT COURT FOR THE
25
26 NORTHERN DISTRICT OF CALIFORNIA
27

28 FRESHERIZED FOODS, INC.; AVOMEX,) Civil Action No. CV 10 3207 BZ
INC.)
29)
30 Plaintiff,) **STIPULATION AND [PROPOSED] ORDER**
31 vs.) **RE TIMING OF DEPOSITIONS AND EXPERT**
32) **DISCOVERY**
33 CONTINENTAL CASUALTY COMPANY,) **(FRCP 29; LOCAL RULE 37-3)**
34)
35 Defendant.)
36)
37)
38)

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40 Whereas, discovery in this action opened on February 8, 2011, following the meet and confer
41 pursuant to Federal Rule of Civil Procedure, Rule 26(f).

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43 Whereas, at the February 28, 2011 case management conference, the Court set a briefing
44 schedule for motions for summary judgment, commencing on March 30, 2011 with a hearing date of
45 May 18, 2011. The Court further set a trial date for September 19, 2011. Based on the September 19,
46

1 2011, the Pretrial Order sets the fact discovery cut-off on May 27, 2011 and the date for expert
2 disclosures on June 3, 2011.

3 Whereas, the parties have conducted informal and written discovery in advance of the motion
4 for summary judgment briefing schedule. While the parties believe that their respective motions for
5 summary judgment will be granted, certain discovery may be necessary if both of the motions are
6 denied. In particular, the parties wish to reserve their rights to take depositions and to disclose experts
7 and take expert discovery, as necessary, to prepare for trial.

8 Whereas, the parties, and any percipient witnesses, are located out-of-state. The parties desire
9 to forego the possibly unnecessary expense of traveling to different states during the briefing of
10 dispositive motions. The parties agree that, to the extent possible, such depositions should be taken
11 after the May 18, 2011 hearing on the motions for summary judgment, and therefore stipulate to this
12 request for additional time to complete any such depositions.

13 Whereas, the parties desire to forego the expense of disclosing experts and taking expert
14 discovery, which may be unnecessary in light of the pending cross-motions for summary judgment.
15 The parties agree that such disclosures and discovery should be extended for thirty (30) days in order
16 to avoid any unnecessary expense.

17 Based on the foregoing, the parties stipulate to an extension of thirty (30) days to complete
18 depositions and disclose experts and to take expert discovery.

19 IT IS SO STIPULATED.

20 DATED: 4/7/11

COLLIAU ELENIUS MURPHY CARLUCCIO
KEENER & MORROW



ROBERT C. CHRISTENSEN
Attorneys for Defendant
CONTINENTAL CASUALTY COMPANY

24 DATED: 4/7/11

WILD, CAREY & FIFE

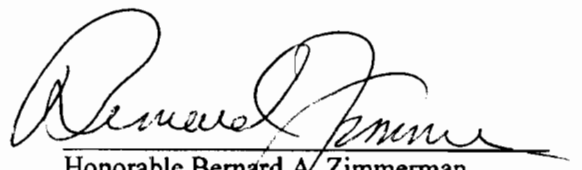


TERENCE KENNEY
Attorneys for Plaintiffs
FRESHERIZED FOODS, INC. and AVOMEX, INC.

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PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS ORDERED
that the time to take depositions is extended for thirty (30) days to June 27, 2011, and that the dates
for expert discovery are extended for thirty (30) days as follows: Expert disclosures - July 5, 2011;
disclosure of rebuttal experts - July 12, 2011; and close of expert discovery - July 19, 2011.

Dated: 8 Apr '11


Honorable Bernard A. Zimmerman
United States District Court for the Northern
District of California Magistrate Judge