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6 Attorneys for Plaintiffs, L&M VENTURES, LLC,  
 STUART LERNER; BLUE CHIP III, LLC; BLUE CHIP  
 7 II, LLC; and BLUE CHIP RECYCLING, LLC

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 L&M VENTURES, LLC, a California  
 Limited Liability Company; STUART  
 11 LERNER, an individual; BLUE CHIP  
 III, LLC, a Mississippi Limited  
 12 Liability Company; BLUE CHIP II,  
 LLC, a Mississippi Limited Liability  
 13 Company; and BLUE CHIP  
 RECYCLING, LLC, a California  
 14 Limited Liability Company,

15 Plaintiffs,

16 v.

17 TRAVELERS CASUALTY &  
 SURETY COMPANY OF AMERICA,  
 18 a Connecticut Corporation;  
 LIPSCOMB & PITTS INSURANCE  
 19 AGENCY, LLC, a Delaware Limited  
 Liability Company; and DOES 1 to  
 20 500, inclusive,

21 Defendants.

**CASE NO. 3:10-cv-05764-SI**

**STIPULATION RE FURTHER  
 AMENDMENT OF SECOND  
 PRETRIAL PREPARATION  
 ORDER**

Assigned to: Hon. Susan Illston

Complaint Filed: December 17, 2010  
 Trial Date: August 29, 2016

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 23 Plaintiffs, L&M VENTURES, LLC, a California Limited Liability Company  
 24 ("L&M"); STUART LERNER, an individual ("Lerner"); BLUE CHIP III, LLC  
 25 ("BC-3"), Blue Chip II, LLC, a Mississippi limited liability company ("BC II");  
 26 Blue Chip Recycling, LLC, a California limited liability company ("BCR"),  
 27 Defendant TRAVELERS CASUALTY & SURETY COMPANY OF AMERICA  
 28 ("Travelers"), and Defendant LIPSCOMB & PITTS INSURANCE AGENCY, LLC

**STIPULATION RE FURTHER AMENDMENT OF PRETRIAL PREPARATION  
 ORDER**

CALLAHAN & BLAINE  
 A PROFESSIONAL CORPORATION  
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1 ("Lipscomb"), by and through their attorneys of record, stipulate as follows:

2 1. The Court's Pretrial Preparation Order of September 9, 2015, provided  
3 for the following relevant deadlines and cut-off dates:

- 4 a. Expert witness initial disclosures: October 30, 2015;
- 5 b. Expert witness rebuttal disclosures: November 16, 2015;
- 6 c. Expert discovery cut-off: December 11, 2015;
- 7 d. Non-Expert discovery cutoff: December 11, 2015;
- 8 e. Dispositive motion filing deadline: January 15, 2016;
- 9 f. Dispositive motion opposition filing deadline: January 29, 2016;
- 10 g. Dispositive motion reply filing deadline: February 5, 2016; and
- 11 h. Dispositive motion hearing cut-off: February 29, 2016.

12 2. Following the parties unsuccessful mediation with Janet R. Fields, Esq.  
13 of Judicate West, on August 20, 2015, the Court, on September 11, 2015, ordered  
14 the parties to resume mediation in February 2016.

15 3. Upon plaintiffs' *ex parte* application, the Court, on November 17,  
16 2015, issued an Order Extending the Time for Expert Witness Disclosures and  
17 Expert Discovery that amended the following dates:

- 18 a. Expert witness initial disclosures are extended from October 30,  
19 2015, to November 30, 2015;
- 20 b. Expert witness rebuttal disclosures are extended from November  
21 16, 2015, to December 16, 2015;
- 22 c. Expert discovery cut-off is extended from December 11, 2015, to  
23 January 11, 2016.

24 4. After the further case management conference was held in this action  
25 on December 18, 2015, and pursuant to the parties' request for an extension of  
26 certain deadlines in the Court's Pretrial Preparation Order, the Court entered a  
27 Second Pretrial Preparation Order on December 21, 2015 and continued the  
28 deadlines and dates in this action as follows:



- 1 a. Non-Expert deposition cutoff: February 29, 2016;
- 2 b. Expert discovery cut-off: March 15, 2016;
- 3 c. Dispositive motion filing deadline: April 2, 2016;
- 4 d. Dispositive motion opposition filing deadline: April 15, 2016;
- 5 e. Dispositive motion reply filing deadline: April 22, 2016;
- 6 f. Dispositive motion hearing cut-off: May 6, 2016; and
- 7 g. Pretrial conference: August 16, 2016.
- 8 h. Trial: August 29, 2016 at 8:30 a.m.

9 5. The parties have exchanged written discovery, produced substantial  
10 documentation in response to requests for production, and deposed a majority of the  
11 parties' witnesses.

12 6. On February 18, 2016, after the parties participated in a lengthy second  
13 mediation with mediator Robert Kaplan, Esq. of Judicate West, Mr. Kaplan issued a  
14 settlement proposal to the parties. The parties have been provided with two weeks  
15 to respond to the settlement proposal due to the number of parties and complexity of  
16 issues involved in this action.

17 7. In order to provide the parties with sufficient time to (a) evaluate and  
18 respond to Mr. Kaplan's mediator's proposal, and (b) complete discovery, expert  
19 discovery, and accordingly file dispositive motions, and pursuant to the parties'  
20 request for an extension of certain deadlines in the Court's Pretrial Preparation  
21 Order, the Court entered an Order on the parties' Stipulation re Amendment of  
22 Second Pretrial Preparation Order on February 22, 2016 and continued the deadlines  
23 and dates in this action as follows:

- 24 a. Non-Expert deposition cutoff: March 28, 2016;
- 25 b. Expert discovery cut-off: April 12, 2016;
- 26 c. Dispositive motion filing deadline: April 29, 2016;
- 27 d. Dispositive motion opposition filing deadline: May 13, 2016;
- 28 e. Dispositive motion reply filing deadline: May 20, 2016;

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f. Dispositive motion hearing cut-off: June 3, 2016.

8. Due to the complexity of issues in this case, the parties extended the deadline to respond to Mr. Kaplan's settlement proposal to March 18, 2016.

9. At this time, Mr. Kaplan continues to discuss settlement proposals with the parties. Nevertheless, the parties will proceed with completing discovery while such discussions are underway. As a result, the parties require additional time to complete discovery, expert discovery, and file dispositive motions. Accordingly, the parties agree that there is good cause to further amend the Second Pretrial Preparation Order to extend the deadlines and cut-offs as follows:

- a. Non-Expert deposition cutoff: April 29, 2016;
- b. Expert discovery cut-off: May 13, 2016;
- c. Dispositive motion filing deadline: May 27, 2016;
- d. Dispositive motion opposition filing deadline: June 10, 2016;
- e. Dispositive motion reply filing deadline: June 17, 2016;
- f. Dispositive motion hearing cut-off: July 8, 2016.

10. This stipulation may be signed in counterparts and electronic, photocopy and facsimile signatures will suffice as though they were original signatures.

Dated: March 24, 2016

**CALLAHAN & BLAINE, APLC**

By: /s/ Edward Susolik  
Edward Susolik, Esq.  
Richard T. Collins, Esq.  
Attorneys for Plaintiffs, L&M  
VENTURES, LLC, STUART LERNER;  
BLUE CHIP III, LLC; BLUE CHIP II,  
LLC; and BLUE CHIP RECYCLING,  
LLC



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Dated: March 24, 2016

**LITCHFIELD CAVO, LLP**

By: /s/ G. David Rubin  
G. David Rubin, Esq.  
Talar Tavlian, Esq.  
Attorneys for Defendant, TRAVELERS  
CASUALTY & SURETY COMPANY  
OF AMERICA

Dated: March 24, 2016

**GOFFSTEIN, RASKAS, POMERANTZ,  
KRAUS & SHERMAN, LLC**

By: /s/Sanford Goffstein  
Sanford Goffstein, Esq.  
Attorneys for Defendant, LIPSCOMB &  
PITTS INSURANCE AGENCY, LLC

**IT IS SO ORDERED.**

Dated: March 25, 2016 By:

  
HONORABLE SUSAN ILLSTON  
United States District Court Judge