

1 SEYFARTH SHAW LLP
 Michael J. Burns (SBN 172614)
 2 E-mail: mburns@seyfarth.com
 Michael T. McKeeman (SBN 173662)
 3 E-mail: mmckeeman@seyfarth.com
 Joseph J. Orzano (SBN 262040)
 4 E-mail: jorzano@seyfarth.com
 560 Mission Street, Suite 3100
 5 San Francisco, California 94105
 Telephone: (415) 397-2823
 6 Facsimile: (415) 397-8549

7 Attorneys for Big O Tires, LLC

8 LAGARIAS & BOULTER LLP
 Peter C. Lagarias (SBN 77091)
 E-mail: pcl@lb-attorneys.com
 9 Robert S. Boulter (SBN 153549)
 E-mail: rsb@lb-attorneys.com
 10 1629 Fifth Avenue
 San Rafael, California 94901-1828
 11 Telephone: (415) 460-0100
 12 Facsimile: (415) 460-1099

13 Attorneys for Sonoma Tires, Inc. and John G. Rhiel, IV

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 SONOMA TIRES, INC., a California Corporation,)	Case No. C 11-0818 RS
)	
19 Plaintiff,)	STIPULATION REGARDING
)	LITIGATION DEADLINES AND
20 v.)	[PROPOSED] ORDER
)	
21 BIG O TIRES, LLC, a Colorado Limited Liability Company,)	
)	
22 Defendant.)	
)	
)	
)	
)	
)	
)	
)	
)	
)	
)	

1 Big O Tires, LLC (“Big O”), on the one hand, and Sonoma Tires, Inc. (“Sonoma”) and
2 John G. Rhiel, IV (“Rhiel”), on the other hand, (collectively, “Parties”) by and through their
3 respective undersigned counsel, hereby stipulate and jointly request that the Court issue an Order
4 as follows:

5 WHEREAS, at the previous case management conference, Plaintiff’s counsel represented
6 that Rhiel was working on a personal bankruptcy filing, and possibly a filing for Sonoma. (*See*
7 Dkt. # 93.)

8 WHEREAS, thereafter the Court issued a case management scheduling order permitting
9 Big O to conduct expert discovery beginning sixty days from the date of the order for a period of
10 two weeks. (*See* Dkt. # 95.) That expert discovery period opened on October 28, 2013 and
11 closes on November 11, 2013. The Court also set a further case management conference at the
12 conclusion of the expert discovery period on December 12, 2013. (*See id.*)

13 WHEREAS, Big O has served Plaintiff’s expert with document and deposition subpoenas
14 on October 29, 2013 and noticed the deposition of Plaintiff’s expert for November 11, 2013;
15 however, the parties have met and conferred and Plaintiff’s counsel has represented that Rhiel,
16 and possibly Sonoma, still intend to seek bankruptcy protection, that Rhiel continues to work
17 through issues related to the filing with separate bankruptcy counsel and, further, that Plaintiff’s
18 expert is not available on November 11, 2013 for his deposition.

19 WHEREAS, based on the foregoing, the parties jointly desire to continue the deadline for
20 Big O to complete expert discovery to January 31, 2014 to allow time for Rhiel and possibly
21 Sonoma to complete and file a bankruptcy petition before incurring costs of expert discovery.

22 WHEREAS, the parties further jointly desire to continue the case management
23 conference until February 13, 2014, or on such date thereafter that is convenient for the Court.

24 **IT IS THEREFORE STIPULATED AND JOINTLY REQUESTED** that:

- 25 1. The Court order that the November 11, 2013 deadline for Big O to complete
26 expert discovery be continued to January 31, 2014.
- 27 2. The December 12, 2013 case management conference be continued to February
28 13, 2014 or on such date thereafter that is convenient for the Court.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO STIPULATED.

Dated: November 6, 2013

SEYFARTH SHAW LLP

By /s/ Joseph J. Orzano
Joseph J. Orzano
Attorneys for Big O Tires, LLC

Dated: November 6, 2013

LAGARIAS & BOULTER, LLP

By /s/ Peter C. Lagarias
Peter C. Lagarias
Attorneys for Sonoma Tires, Inc. and
John G. Rhiel, IV

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED,

1. The deadline for Big O to complete expert discovery is extended to January 31, 2014.
2. The December 12, 2013 case management conference is continued to February 13, 2014 at 10:00 a.m. The parties shall file a Joint Case Management Conference Statement at least one week prior to the Conference.
3. All other deadlines remain unchanged.

Dated: 11/7/13



The Honorable Richard Seeberg

16402634v.2