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6 PORTIA LEMMONS, et al.

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12 Attorneys for Defendants
Berkeley Hardware, Inc. dba Berkeley Ace Hardware, Ace Hardware Corporation,
and EQR-Acheson Commons Limited Partnership

13
14 **IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 PORTIA LEMMONS, et al.,

16 *Plaintiffs,*

17 v.

18 ACE HARDWARE CORPORATION;
19 BERKELEY HARDWARE, INC. dba
20 BERKELEY ACE HARDWARE; EQR-
ACHESON COMMONS LIMITED
PARTNERSHIP; and DOES 1-20,
Inclusive,

21 *Defendants.*

Case No. CV 12-03936 JST

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE FACT
DISCOVERY CUT-OFF**

1 **STIPULATION**

2 Plaintiff PORTIA LEMMONS (“Plaintiff”), and defendants ACE
3 HARDWARE CORPORATION; BERKELEY HARDWARE, INC. dba
4 BERKELEY ACE HARDWARE and EQR ACHESON COMMONS LIMITED
5 PARTNERSHIP (together “Defendants”), hereby jointly stipulate and request
6 through their attorneys of record that the Court continue the Fact Discovery cut-off
7 in this case. This first request for a continuance of a pretrial deadline is based on
8 the following good cause:

- 9 1. The parties actively participated in the General Order 56 process and came
10 to a partial settlement in this case, which was memorialized in a “Court-
11 Enforceable Settlement Agreement and Release of Plaintiff’s Injunctive
12 Relief Claims Only,” filed with the Court on October 30, 2013 (Docket No.
13 57).
- 14 2. With leave of the Court, defendants Ace Hardware Corporation and
15 Berkeley Hardware, Inc. amended their Answer to the Complaint on
16 November 4, 2013 (Docket No. 59).
- 17 3. The Fact Discovery cut-off in this case is presently scheduled for February
18 21, 2014.
- 19 4. Since the defendants Ace Hardware Corporation and Berkeley Hardware,
20 Inc. amended their answer on November 4, 2013, the parties have engaged
21 in active discovery, sending each other written discovery requests and noting
22 several depositions. However, the holidays, defense counsel’s preparation
23 for the arrival of his second grandchild, and the illness of one of the
24 representatives of defendant Berkeley Hardware Corp. have delayed
discovery efforts in this case. Defendants have requested more time to
respond to pending written discovery requests because Virginia Carpenter
the Chief Executive Officer of Berkeley Ace Hardware, is ill. Plaintiff has

1 agreed to a continuance of these written discovery deadlines to
2 accommodate Ms. Carpenter. Plaintiff has noted FRCP 30(b)(6) depositions
3 for each of the named Defendants (on February 3, 7, and 10), however
4 Defendants are still in the process of providing Plaintiff with available dates
5 for deposition of their FRCP 30(b)(6) designees. The parties are also
6 working together to set deposition dates for eight additional percipient
7 witnesses. The parties will not be able to complete all necessary discovery
by February 21st.

8 5. Based on the above, the parties request a short continuance of the Fact
9 Discovery cut-off to April 24, 2014 – the same date as the Expert Discovery
10 Cut-Off in this case.

11 6. This is the first request for a continuance of any pretrial deadline.

12 7. Therefore, the parties jointly stipulate and request the Court permit the
13 continuance of the Fact Discovery cut-off to April 24, 2014.

It is so Stipulated.

14
15 Dated: January 10, 2014 LAW OFFICES OF PAUL L. REIN

16
17 /s/ Catherine Cabalo
By CATHERINE CABALO,
18 Attorneys for Plaintiff
PORTIA LEMMONS

19 Dated: January 10, 2014 BARABAN & TESKE

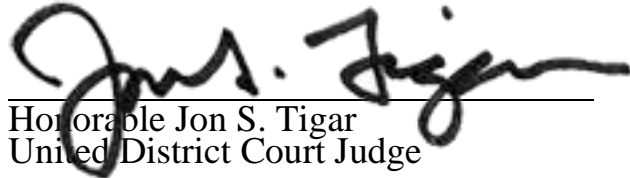
20 /s/ James S. Link
By JAMES S. LINK
21 Attorneys for Defendants
22 ACE HARDWARE CORPORATION;
BERKELEY HARDWARE, INC.; EQR-
23 ACHESON COMMONS LLP;
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ORDER

Good cause having been shown, the Court orders the Fact Discovery cut-off in this case be continued to April 24, 2014.

Dated: January 10, 2014



Honorable Jon S. Tigar
United District Court Judge

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FILER’S ATTESTATION

Pursuant to General Order 45, section X(B), I hereby attest that on January 10, 2014, I, Catherine Cabalo, attorney with The Law Office of Paul L. Rein, received the concurrence of James Link in the filing of this document.

 /s/ Catherine Cabalo
Catherine Cabalo