

1 Robert A. Mittelstaedt (State Bar No. 60359)
 2 Caroline N. Mitchell (State Bar No. 143124)
 3 David L. Wallach (State Bar No. 233432)
 4 ramitteslstaedt@jonesday.com
 5 cnmitchell@jonesDay.com
 6 dwallach@jonesday.com
 7 JONES DAY
 8 555 California Street, 26th Floor
 9 San Francisco, CA 94104
 10 Telephone: 415-626-3939
 11 Facsimile: 415-875-5700

12 Attorneys for Respondents
 13 CHEVRON CORPORATION and CHEVRON U.S.A.
 14 INC.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 *IN RE* APPLICATION OF THEOPHILUS G.
 18 METSAGHARUN, *et al.* FOR AN ORDER
 19 GRANTING LEAVE TO ISSUE
 20 SUBPOENAS FOR THE TAKING OF
 21 DISCOVERY PURSUANT TO 28 U.S.C.
 22 1782

23 **Case No. 12-80274 MISC JSW (KAW)**

24 **STIPULATION AND ~~PROPOSED~~**
 25 **ORDER CONTINUING HEARING**
 26 **DATE**

27 Courtroom: 4

28 Judge: Hon. Kandis A. Westmore

29 In accordance with Local Rule 7-12, the parties in the above-captioned action, through
 30 their respective counsel, stipulate as follows:

31 Whereas Applicants Theophilus G. Metsagharun, Jackson Omareye, Lofty Ogbe, Bawo
 32 Omadeli and Gbejule Okoturo filed an Application for Discovery Pursuant to 28 U.S.C. § 1782
 33 on November 29, 2012 (the “Application”);

34 Whereas, after the parties agreed to and filed a stipulated briefing schedule and hearing
 35 date on December 17, 2012, the case was reassigned, first to Judge Samuel Conti, then to Judge
 36 Thelton Henderson, and finally to Judge Jeffrey White;

37 Whereas the parties each understood the reassignment orders to require the hearing to be
 38 recalendared in accordance with the schedule of the judge to whom the case had been reassigned.

39 *See* Dkts. 21, 22 & 23 (“[a]ll hearing dates presently scheduled are vacated and motions should be

1 renoticed for hearing before the judge to whom the case has been reassigned”);

2 Whereas the parties are still meeting and conferring regarding plaintiffs’ application for
3 discovery;

4 IT IS HEREBY STIPULATED THAT:

5 1. The hearing for the Application set for January 17, 2013 at 11:00 a.m. and the
6 associated briefing schedule shall be vacated;

7 2. The parties will continue to work together to agree to a new stipulated hearing date
8 and briefing schedule that accords with the Court’s calendar and the parties’ schedules.

9 Pursuant to Local Rule 5-1(i)(3), I, David L. Wallach, attest that concurrence in filing this
10 document has been obtained from the other signatory.

11 Dated: January 4, 2013

JONES DAY

13 By: /S/ David L. Wallach

14 David L. Wallach

15 Counsel for Respondents
16 CHEVRON CORPORATION and
CHEVRON U.S.A. INC.

17 Dated: January 4, 2013

EARTHRIGHTS INTERNATIONAL

19 By: /S/ Richard Herz

20 Richard Herz (*pro hac vice*)

21 Counsel for Applicants
22 THEOPHILUS G. METSAGHARUN, et
al.

23 PURSUANT TO THE FORGOING STIPULATION, IT IS SO ORDERED THAT:

24 The hearing and briefing schedule are vacated as set forth above.

26 Dated: January 1, 2013

27 
28 The Honorable Kandis Westmore