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Counsel of Record on Following Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE KEN
LUSBY CLERKS & LUMBER
HANDLERS PENSION FUND,

Plaintiff,

v.

PIEDMONT LUMBER & MILL
COMPANY; WILLIAM C. MYER, JR., an
individual; WENDY M. OLIVER, an
individual; WENDY M. OLIVER, as
Trustee to the Oliver Family Trust; and
DOES 1-20,

Defendant.

Case No. 3:13-cv-03898-VC

**JOINT STIPULATED REQUEST AND
[PROPOSED] ORDER TO CONTINUE
TRIAL DATE AND PRE-TRIAL
DEADLINES AS MODIFIED**

Second Amended Complaint Filed: 5/16/14
Judge: Hon. Vince Chhabria

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7 WENDY M. OLIVER, an individual; and WENDY M.
OLIVER, as Trustee to the Oliver Family Trust
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14 PIEDMONT LUMBER & MILL COMPANY; and
WILLIAM C. MYER, JR.
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20 Attorneys for Plaintiff
21 BOARD OF TRUSTEES OF THE KEN LUSBY
CLERKS & LUMBER HANDLERS PENSION
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1 **STIPULATION**

2 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Board of Trustees of the Ken
3 Lusby Clerks & Lumber Handlers Pension Fund (“Plaintiff”) and Defendants Piedmont Lumber &
4 Mill Company, William C. Myer, Jr. and Wendy M. Oliver, as an individual and as the Trustee to
5 the Oliver Family Trust, (collectively, “Defendants”), by and through their undersigned attorneys of
6 record, make the following stipulated request to extend all pre-trial deadlines by 45 days and to
7 continue the trial date and pre-trial conference as determined by the court for the reasons set forth
8 below :

9 WHEREAS, on May 19, 2014, the Court issued a Stipulation and Order Revising
10 Case Deadlines and set the trial date for February 17, 2015 and the non-expert discovery cut-off for
11 August 29, 2014;

12 WHEREAS, Jackson Lewis has recently filed a motion to withdraw as counsel of
13 record for Defendants Piedmont Lumber & Mill Company and William C. Myer, Jr. based on non-
14 payment of fees;

15 WHEREAS, during the first week of July 2014, Wendy M. Oliver obtained new
16 counsel to represent her interests, as an individual and as Trustee of the Oliver Family Trust;

17 WHEREAS, Richard N. Hill and Scott D. Helsinger of Littler Mendelson, P.C. now
18 represent Defendant Wendy M. Oliver;

19 WHEREAS, the Parties have recently begun settlement discussions in an effort to
20 resolve this matter;

21 WHEREAS, the Parties believe that the time and expense of deposing Wendy M.
22 Oliver, William C. Myer, Jr., the person most knowledgeable for Piedmont Lumber & Mill
23 Company, and other noticed depositions can possibly be avoided, by delaying such depositions,
24 pending completion of settlement discussions.

25 WHEREAS, the Parties believe that postponing such depositions and other discovery
26 until after the Parties have completed settlement negotiations will facilitate prompt and effective
27 settlement discussions;

28

1 WHEREAS, the Parties do not seek a continuance of the deadlines set by the Court's
2 Order Re: Plaintiff's Motions To Compel Supplemental Interrogatory Responses, signed on July 3,
3 2014; and

4 WHEREAS, the Parties agree that settlement of the matter will be more likely
5 achieved if the discovery deadlines are continued for 45 days from the current deadlines, and the
6 trial date and pre-trial conference are rescheduled accordingly.

7 NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN
8 PLAINTIFF AND DEFENDANTS AS FOLLOWS:

9 All deadlines contained in the Court's Stipulation and Order Revising Case Deadlines
10 [Dkt. No. 64], that have not yet passed as of the date of this stipulation, shall be continued by forty-
11 five (45) days and the trial date and pre-trial conference date shall be continued as the court's
12 calendar permits.

13
14 Dated: July 16, 2014

/s/ Scott D. Helsinger
Richard N. Hill
Scott D. Helsinger
LITTLER MENDELSON, P.C.
Attorneys for Defendant WENDY M. OLIVER

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16
17 Dated: July 16, 2014

/s/ Cynthia J. Emry
David R. Johanson
Cynthia J. Emry
Benjamin A. Tulis
JACKSON LEWIS P.C
Attorneys for Defendants
PIEDMONT LUMBER & MILL COMPANY
and WILLIAM C. MYER, JR.

18
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20
21
22 Dated: July 16, 2014

/s/ Sean T. Strauss
Clarissa A. Kang
Sean T. Strauss
TRUCKER & HUSS
Attorneys for Plaintiff
BOARD OF TRUSTEES OF THE KEN
LUSBY CLERKS & LUMBER HANDLERS
PENSION FUND

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1 I attest that my firm has obtained Trucker & Huss' and Jackson Lewis' concurrence in the
2 filing of this document.

3 Dated: July 16, 2014

4
5 /s/ Scott D. Helsinger
6 Scott D. Helsinger
7 LITTLER MENDELSON, P.C.
8 Attorneys for Defendant WENDY M. OLIVER
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PROPOSED ORDER

Pursuant to the foregoing Stipulation, and good cause appearing therefor, the Court hereby orders that the Court’s Stipulation and Order Revising Case Deadlines [Dkt. No. 64], be amended so that the following future deadlines will now apply in this case:

- Last date for disclosure of list of issues on which any party will offer expert testimony in its case-in-chiefSeptember 15, 2014
- Non-expert discovery cut-off:October 13, 2014
- Last date for designation of expert testimony and disclosure of full expert reports:October 13, 2014
- Last date for disclosure of expert reports on the same issue (opposition reports)October 27, 2014
- Last date for party with burden of proof to disclose any reply reports rebutting specific material in opposition reports.....November 3, 2014
- Expert discovery cut-offDecember 1, 2014
- Last date to file dispositive motions.....January 8, 2015
- Final pre-trial conferenceMarch 24, 2015, at 1:00 p.m.
- Bench trialApril 6, 2015, at 8:30 a.m.

IT IS SO ORDERED.



HONORABLE VINCE CHHABRIA

Date: July 18, 2014