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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,

vs.

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,

Defendants.

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

**JOINT STIPULATED REQUEST AND
~~PROPOSED~~ ORDER TO CONTINUE
TRIAL DATE AND PRE-TRIAL
DEADLINES**

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

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CLERKS & LUMBER HANDLERS PENSION
22 FUND
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1 **STIPULATION**

2 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Board of Trustees of the Ken Lusby
3 Clerks & Lumber Handlers Pension Fund (“Plaintiff”) and Defendants Piedmont Lumber & Mill
4 Company, William C. Myer, Jr. and Wendy M. Oliver, as an individual and as the Trustee to the
5 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 60 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 July 18, 2014, the Court granted the parties’ Stipulation Revising Case
10 Deadlines and set the trial date for April 6, 2015 and the non-expert discovery cut-off for October
11 13, 2014;

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

14 WHEREAS, due to the unavailability of the Parties’ selected mediator, the Parties have
15 been unable to schedule mediation until September 3, 2014;

16 WHEREAS, under the present schedule, the last day to hand serve written discovery is
17 September 10, 2014, just one week after the scheduled mediation;

18 WHEREAS, in the event the scheduled mediation does not resolve this case, Plaintiff
19 asserts that it will be necessary to complete at least four depositions prior to the deadline for
20 service of written discovery, including the depositions of non-party Carlos Elizondo, and
21 Defendants Wendy M. Oliver, William C. Myer, Jr., and Piedmont Lumber & Mill Company;

22 WHEREAS, Parties agree that settlement of the matter will be more likely achieved if the
23 discovery deadlines are continued for 60 days from the current deadlines, and the trial date and pre-
24 trial conference are rescheduled accordingly.

25 NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN PLAINTIFF
26 AND DEFENDANTS AS FOLLOWS:

1 All deadlines contained in the Court's Stipulation and Order Revising Case Deadlines [Dkt.
2 No. 78], that have not yet passed as of the date of this stipulation, shall be continued by sixty (60)
3 days and the trial date and pre-trial conference date shall be continued as the court's calendar
4 permits.

5
6 Dated: August 8, 2014

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

7
8
9 Dated: August 8, 2014

/s/ David R. Johanson
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.

10
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12
13
14 Dated: August 8, 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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19 I attest that my firm has obtained Littler Mendelson's and Jackson Lewis' concurrence in
20 the filing of this document.

21 Dated: August 8, 2014

22
23 /s/ Sean T. Strauss
Sean T. Strauss
TRUCKER HUSS
Attorneys for Plaintiff
BOARD OF TRUSTEES OF THE KEN LUSBY
CLERKS & LUMBER HANDLERS PENSION
24 FUND
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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. 78], 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-chief November 14, 2014
- Non-expert discovery cut-off: December 12, 2014
- Last date for designation of expert testimony and disclosure of full expert reports: December 12, 2014
- Last date for disclosure of expert reports on the same issue (opposition reports) December 26, 2014
- Last date for party with burden of proof to disclose any reply reports rebutting specific material in opposition reports January 2, 2015
- Expert discovery cut-off January 30, 2015
- Last date to file dispositive motions March 9, 2015
- Final pre-trial conference TBD
- Bench trial TBD

IT IS SO ORDERED.

Date: August 13, 2014

