

1 *Counsel of Record on Following Page*

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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**

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

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OLIVER, as Trustee to the Oliver Family Trust

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Attorneys for Plaintiff
BOARD OF TRUSTEES OF THE KEN LUSBY
CLERKS & LUMBER HANDLERS PENSION
FUND

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 William C. Myer, Jr. and
4 Wendy M. Oliver, as an individual and as the Trustee to the Oliver Family Trust, (collectively,
5 “Defendants”), by and through their undersigned attorneys of record, make the following stipulated
6 request to extend all pre-trial deadlines by 60 days and to continue the trial date and pre-trial
7 conference as determined by the court for the reasons set forth below:

8 WHEREAS, on August 13, 2014, the Court granted the parties’ Stipulation Revising Case
9 Deadlines and set the non-expert discovery cut-off for December 12, 2014;

10 WHEREAS, on October 6, 2014, defendant Piedmont Lumber & Mill Company filed a
11 petition for relief under Chapter 7 of the United States Bankruptcy Code in the Eastern District of
12 California, Case Number 14-29972;

13 WHEREAS, on October 6, 2014 defendant Piedmont Lumber & Mill Company filed a
14 Notice of Bankruptcy Stay Pursuant to 11 U.S.C. § 362 in this matter;

15 WHEREAS, Defendants assert that the automatic bankruptcy stay pursuant to 11 U.S.C.
16 § 362 stays this entire case because any attempt by the Board to establish the liability of Myer,
17 Oliver, or the Oliver Family Trust in this matter necessarily requires establishing the liability of
18 Piedmont;

19 WHEREAS, although Plaintiff disagrees with Defendants’ assertion that this entire case is
20 stayed by virtue of Piedmont’s bankruptcy filing, it nonetheless plans to petition the bankruptcy
21 court for relief from the automatic stay;

22 WHEREAS, to provide Plaintiff with the time necessary to obtain relief from stay and
23 complete remaining discovery in this case, the parties agree that all discovery deadlines should be
24 continued for 60 days from the current deadlines;

25 ///

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27 ///

28 ///

1 NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN PLAINTIFF AND
2 DEFENDANTS AS FOLLOWS:

3 All deadlines contained in the Joint Stipulated Request and Order to Continue Trial Date
4 and Pre-Trial Deadlines [Dkt. No. 80] that have not yet passed as of the date of this stipulation
5 shall be continued by sixty (60) days.

6 Dated: October 16, 2014

/s/ Scott D. Helsinger

Richard N. Hill

Scott D. Helsinger

LITTLER MENDELSON, P.C.

WENDY M. OLIVER, an individual; and
WENDY M. OLIVER, as Trustee to the Oliver
Family Trust

11 Dated: October 16, 2014

/s/ William C. Myer, Jr.

WILLIAM C. MYER, JR.

11772 Moon Shadow Ct.

Truckee, CA 96161-2918

Pro se litigant

15 Dated: October 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

20 I attest that my firm has obtained Littler Mendelson's and William C. Myer, Jr.'s
21 concurrence in the filing of this document.

22 Dated: October 16, 2014

/s/ Sean T. Strauss

Sean T. Strauss

TRUCKER HUSS

Attorneys for Plaintiff

BOARD OF TRUSTEES OF THE KEN LUSBY

CLERKS & LUMBER HANDLERS PENSION

FUND

[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, and good cause appearing therefor, the Court hereby orders that the Joint Stipulated Request and Order to Continue Trial Date and Pre-Trial Deadlines [Dkt. No. 80], 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-chiefJanuary 14, 2015

Non-expert discovery cut-off:February 10, 2015

Last date for designation of expert testimony
and disclosure of full expert reports:February 10, 2015

Last date for disclosure of expert reports on
the same issue (opposition reports)February 24, 2015

Last date for party with burden of proof to
disclose any reply reports rebutting specific
material in opposition reports.....March 3, 2015

Expert discovery cut-offMarch 31, 2015

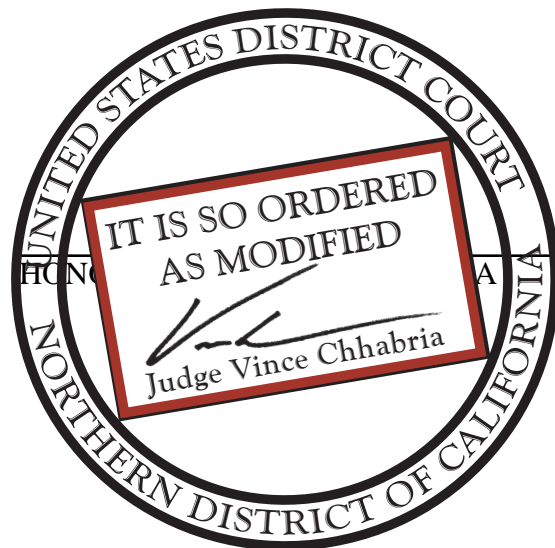
Last date to file dispositive motions.....May 8, 2015

Final pre-trial conferenceTBD

Bench trialTBD

IT IS SO ORDERED.

Date: October 21, 2014



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I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am employed in the City and County of San Francisco, California. My business address is One Embarcadero Center, 12th Floor, San Francisco, California 94111. On the date indicated below, I served the within:

to the addressee(s) and in the manner indicated below:

☒ **BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

/s/Michael V. Bresso
Michael V. Bresso