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8 *Counsel for Plaintiffs*

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 RYAN SCHAEFFER, an individual; ANNE  
 13 SCHAEFFER, an individual; and REESE  
 14 SCHAEFFER, a minor by and through her  
 15 general guardians Ryan Schaeffer and Anne  
 16 Schaeffer,

17 *Plaintiffs,*

18 *v.*

19 GREGORY VILLAGE PARTNERS, L.P., a  
 20 California Partnership, *et al.*

21 *Defendants.*

Case No. 3:13-CV-4358 JST

22 **STIPULATION AND [PROPOSED]  
 23 ORDER TO MODIFY SCHEDULING  
 24 ORDER**

25 Courtroom 9 – 19th Floor  
 26 Trial Date: February 29, 2016

27 Plaintiffs Ryan Schaeffer, Anne Schaeffer, and Reese Schaeffer (collectively,  
 28 “Plaintiffs”), defendants Gregory Village Partners, L.P. and VPI, Inc. (general partner of Gregory  
 Village Partners, L.P.) (collectively, “Gregory Village”), and defendants Joseph Lee, Moon Lim,  
 and Jiewon Lim (collectively, “Lee-Lim Defendants”) (collectively, “Defendants”) submit this  
 stipulation and proposed order to modify the Court’s current scheduling order and extend the  
 current discovery cut-off deadlines in light of the fact that Plaintiffs have reached settlement with  
 all non-defaulting defendants in this matter.



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**1. Settlement Status**

**a. Chevron and MBE Settlement and Motion for Good Faith Determination:**

Plaintiffs, Chevron, and MBE fully executed a settlement agreement on June 15, 2015. *See* ECF No. 255, at 14. On July 1, 2015, Chevron and MBE filed a Motion for Good Faith Settlement Determination, with hearing on the motion set for August 6, 2015. ECF No. 255. The deadline for oppositions to that motion was July 15, 2015. No oppositions were filed. If the Court grants the motion, Plaintiffs will file a motion to dismiss Chevron and MBE. On July 27, 2015, the Court vacated the hearing for Chevron’s good faith determination motion. The parties are awaiting the court’s ruling on this motion.

**b. Gregory Village Settlement:**

Plaintiffs and Gregory Village fully executed a settlement agreement as of July 24, 2015. Gregory Village will file a motion for good faith settlement determination within 15 days of final execution of the agreement. The settlement agreement is contingent upon the court granting that motion and on granting a minor’s compromise to be filed by Plaintiffs after the Court’s determination of good faith.

**c. Lee-Lim Settlement:**

Plaintiffs and Lee-Lim Defendants fully executed a settlement agreement on July 21, 2015. *See* Notice of Settlement, ECF No. 265. Lee-Lim Defendants intend to file a motion for good faith settlement determination within 20 days. The settlement agreement is contingent upon the court granting that motion.

**d. Discovery:**

Plaintiffs, Gregory Village, and Lee-Lim Defendants have worked with the Honorable Wayne D. Brazil (Ret.), the Special Master assigned for discovery disputes in this matter, *see* ECF No. 243. Given that Plaintiffs have now settled with the Gregory Village and Lee-Lim Defendants, Judge Brazil, based on the existing good cause, has agreed that, and recommends that, the parties refrain from further discovery in this matter until further recommendation or order by him or by the Court. Plaintiffs, Gregory Village, and Lee-Lim Defendants have agreed to take all scheduled depositions off calendar now that settlements agreements have been



1 executed and to withdraw all pending written discovery between Plaintiffs, Gregory Village, and  
2 Lee-Lim Defendants pending orders related to good faith and minor's compromise motions.  
3 Plaintiffs, Gregory Village, and Lee-Lim Defendants further agree that all expert discovery dates  
4 will be modified by at least 30 days pending the Court's order on this stipulation and proposed  
5 order modifying currently set case deadlines.

6 e. **Case Deadlines:**

7 The current case deadlines, as set by the Court's January 20, 2015 order, ECF No. 137, are  
8 as follows:

9

10 Event	11 Deadline
12 Fact Discovery Cut-off	13 August 14, 2015
14 Expert Disclosures	15 August 28, 2015
16 Expert Rebuttal	17 September 30, 2015
18 Expert Discovery Cut-off	October 30, 2015
Deadline to File Dispositive Motions	November 20, 2015
Pretrial Conference Statement	February 2, 2016
Pretrial Conference	February 12, 2016 at 2:00 p.m.
Jury Trial	February 29, 2016 at 8:30 a.m.

19 Plaintiffs have settled with all active defendants, yet each settlement is contingent upon  
20 the Court's approval of a motion good faith settlement determination. Plaintiffs will also file an  
21 application for approval of minor's compromise after the motions for good faith settlement  
22 determination have been granted for Gregory Village, and a motion for approval of minor's  
23 compromise related to the Lee-Lim Defendants settlement is also intended after a good faith  
24 settlement determination has been made as to that settlement. In an effort to avoid unnecessary  
25 expenditure of attorney fees and costs, Plaintiffs, Gregory Village, and Lee-Lim Defendants have  
26 agreed to take all depositions off calendar, withdraw all pending written discovery, and to refrain  
27 from asking the Special Master to rule on any pending discovery disputes. However, the fact  
28 discovery cut-off date is August 14, 2015, which will pass before the Court issues a ruling on the



1 various motions for good faith settlement determination and Plaintiffs' anticipated application for  
2 approval of minor's compromise. Judge Brazil supports this modification regarding discovery  
3 and expert disclosure deadlines pending further order of the Court and believes the parties  
4 requested modifications are in the interest of justice and necessary for preservation of parties'  
5 resources and judicial economy. If the Court denies the requested extension of case deadlines, the  
6 parties will work with the Special Master on the discovery deadlines and expert deadlines.  
7 Accordingly, the parties stipulate as follows:

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9  
10 **STIPULATION AND [PROPOSED] ORDER**

11 WHEREAS Plaintiffs Ryan Schaeffer, Anne Schaeffer, and Reese Schaeffer ("Plaintiffs")  
12 on the one hand and defendants Chevron U.S.A. Inc., M.B. Enterprises, Inc., Massoud Ebrahimi,  
13 Bhagdeep Dhaliwal, Gregory Village Partners, L.P., VPI, Inc., Joseph J. Lee, Moon S. Lim, and  
14 Jiewon Lim ("Defendants"), which are all of the active non-defaulting parties, have executed  
15 separate settlement agreements in this matter.

16 WHEREAS Plaintiffs and Defendants hereby request that the deadlines currently set in  
17 the Court's Scheduling Order (ECF No. 137) be extended by six (6) months, or such other  
18 extension as the Court deems reasonable and sufficient, in order to allow Plaintiffs and  
19 Defendants to file, have heard, and have ruled upon motions for good faith settlement  
20 determination<sup>1</sup> and an application for approval of minor's compromise.

21 NOW, THEREFORE, Plaintiffs and Defendants stipulate to and request the following  
22 modified litigation deadlines:

23

Event	Deadline
Stay on Deposition Discovery Lifted	February 24, 2014
Fact Discovery Cut-off	February 19, 2016

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27 <sup>1</sup> One motion is currently pending, *see* ECF No. 255. A second motion will be filed in regards to  
28 the settlement between Plaintiffs and Gregory Village Partners, L.P. and VPI, Inc. A third motion  
will be filed regarding the settlement with Joseph J. Lee, Moon S. Lim, and Jiewon Lim.




1	Designation of Experts	March 4, 2016
2	Designation of Rebuttal Experts	March 30, 2016
3	Expert Discovery Cut-off	April 29, 2016
4	Last Day for Filing Dispositive Motions	May 20, 2016
5	Pretrial Statement	August 2, 2016
6	Pretrial Conference	August 12, 2016 at 2:00 p.m.
7	Jury Trial	August 29, 2016 at 8:30 a.m.

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9 FURTHER, in the event the Court does not agree with and order this proposed  
10 modification of deadlines, the parties request a telephonic conference with the Court at its earliest  
11 convenience in order to address the above case management issues and deadlines.

12 IT IS SO STIPULATED.

13 Date: July 27, 2015

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16 John R. Till, Esq.  
Counsel for Plaintiffs

17 Date: July 27, 2015


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Jeffery Curtiss, Esq.

Counsel for Gregory Village Properties, LP, and VPI, Inc.

20 Date: July 27, 2015

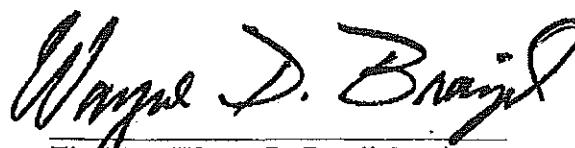
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Alan Johnston, Esq.

Counsel for Joseph J. Lee, Moon Lim, and  
23 Jiewon Lim

24 The Special Master, The Hon. Wayne D. Brazil (Ret.), endorses the stipulation of the  
25 parties.

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27 Date: July 27, 2015

  
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The Hon. Wayne D. Brazil (Ret.)



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**PURSUANT TO STIPULATION AND GOOD CAUSE SHOWN, IT IS SO ORDERED** that  
this Court amends the existing deadlines set forth in ECF No. 137 in this matter to incorporate the  
parties' modified case deadlines dates proposed above.

Date: July 29, 2015

