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Attorneys for Plaintiff
FEDERAL DEPOSIT INSURANCE CORPORATION,
as Receiver for Tamalpais Bank of San Rafael, California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL DEPOSIT INSURANCE)
CORPORATION, as Receiver for Tamalpais)
Bank of San Rafael, California,)
Plaintiff,)

v.)

MARK GARWOOD, ALLAN BORTEL,)
RICHARD SMITH, CAROLYN HORAN,)
JAMES WILLIAMS, JEFFERY TAPPEN,)
MICHAEL RICE, and NANCY GRAUTEN,)
Defendants.)

No. 3:14-cv-00390 WHO
STIPULATION AND ORDER
CONTINUING PRETRIAL AND
TRIAL DATES

Complaint Filed: January 27, 2104
Trial Date: None Set

1 It is hereby stipulated by and between the FEDERAL DEPOSIT INSURANCE
2 CORPORATION, as Receiver for Tamalpais Bank of San Rafael, California (“FDIC-R”), on the
3 one hand, and MARK GARWOOD, ALLAN BORTEL, CAROLYN HORAN, JAMES
4 WILLIAMS, JEFFERY TAPPEN, MICHAEL RICE, and NANCY GRAUTEN, on the other hand,
5 through their respective counsel, as follows:

6 1. On May 14, 2014, the Court issued its Civil Pretrial Order, which set forth,
7 among other things, various pretrial and trial dates [Dkt. 28].

8 2. On June 6, 2014, the Court entered its Order Resolving Dispute Over Loan
9 Files, and ordered that hard copies of Tamalpais Bank files be provided to Defendants for review
10 and copying [Dkt. 31].

11 3. On August 21, 2014, Defendants reviewed 70 boxes of documents produced
12 by FDIC-R pursuant to the Court’s June 16, 2014 at its facility in Dallas, Texas. One file appeared
13 to be an “original” loan file that defendants were seeking and was in the possession of the FDIC-R.

14 4. FDIC-R’s counsel was able to locate additional loan files for twelve (12) of
15 the loans at issue in the Complaint that were sold by Tamalpais Bank to CBRE Capital Partners
16 U.S. Special Situations I, L.P. (“CBRE”) and/or Coastal Capital Partners, LLC (“Coastal Capital”)
17 prior to when FDIC-R took over Tamalpais Bank. These files appear to be the “original” loan files
18 that defendants were seeking and were in the possession of CBRE and/or Coastal Capital and sent
19 to their counsel in Los Angeles, California. Those files were reviewed by counsel for the parties in
20 Los Angeles on September 3, 2014.

21 5. To date, the parties have not scheduled a mediation because defendants and
22 their insurance carrier need to review the original loan files in order to evaluate the case.

23 6. Now that certain original loan files have been located and made available
24 for review and copying, the parties are in the process of selecting a mediator and mediation date
25 and are hopeful that mediation can take place by the end of November 2014 or the beginning of
26 December 2014.

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7. In light of foregoing, the parties are desirous of focusing their efforts on completing mediation and therefor continuing the pretrial and trial dates scheduled in the Civil Pretrial Order for a period of four months, assuming that a mediation is held in either November or December 2014. If mediation is not held until after December 2014, the parties may request a further continuance from the Court.

8. Accordingly, the parties agree that the following dates be continued as follows:

Discovery cutoff	From January 2, 2014 to May 4, 2015
Expert disclosure:	From January 23, 2014 to May 25, 2015
Expert rebuttal:	From February 13, 2014 to June 15, 2015
Expert discovery cutoff:	From March 6, 2014 to August 6, 2015
Motions heard by:	From May 6, 2015 to September 9, 2015
Pretrial Conference:	From July 13, 2014 to November 16, 2015
Trial:	From August 24, 2014 to January 25, 2016

SO STIPULATED.

DATED: October 9, 2014

BARTKO, ZANKEL, BUNZEL & MILLER
A Professional Law Corporation

By: _____
Charles G. Miller
Attorneys for Plaintiff
FEDERAL DEPOSIT INSURANCE CORPORATION, as Receiver for Tamalpais Bank of San Rafael, California

DATED: October 9, 2014

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: _____
Christine A. Scheuneman
Attorneys for Defendants

MARK GARWOOD, ALLAN BORTEL, RICHARD SMITH, CAROLYN HORAN, JAMES WILLIAMS, JEFFERY TAPPEN, and NANCY GRAUTEN

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DATED: October 9, 2014


COOKE KOBRICK & WU LLP

By: _____
Christopher C. Cooke
Attorneys for Defendant
MICHAEL RICE

IT IS HEREBY ORDERED that the following scheduling deadlines and hearing dates have been set (please note revised pretrial conference date):

Discovery cutoff	May 4, 2015
Expert disclosure:	May 25, 2015
Expert rebuttal:	June 15, 2015
Expert discovery cutoff:	July 6, 2015
Motions heard by:	September 9, 2015
Pretrial Conference:	December 14, 2015
Trial:	January 25, 2016

DATED: October 14, 2014



WILLIAM H. ORRICK
United States District Judge