

1 MARK D. LONERGAN (State Bar No. 143622)
2 THOMAS N. ABBOTT (State Bar No. 245568)
3 JASON M. JULIAN (State Bar No. 215342)
4 jmj@severson.com
5 SEVERSON & WERSON
6 A Professional Corporation
7 One Embarcadero Center, Suite 2600
8 San Francisco, California 94111
9 Telephone: (415) 398-3344
10 Facsimile: (415) 956-0439

11 Attorneys for Defendant
12 WELLS FARGO BANK, N.A.

13 MATHEW D. MELLEN (Bar No. 233350)
14 SARAH SHAPERO (Bar No. 281748)
15 MELLEN LAW FIRM
16 One Embarcadero Center, Fifth Floor
17 San Francisco, CA 94111
18 Telephone: (415)315-1653
19 Facsimile: (415)276-1902

20 Attorneys for Plaintiffs,
21 BRET MACDONALD and AMALIA MACDONALD

22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

16 BRET MACDONALD, an individual; and
17 AMALIA MACDONALD, an individual,

18 Plaintiffs,

19 vs.

20 WELLS FARGO BANK, N.A. and
21 DOES 1 through 50, inclusive,

22 Defendants.

Case No.: 3:14-CV-04970-HSG

**JOINT STIPULATION TO CONTINUE
EXPERT DISCOVERY DEADLINES;
ORDER**

Action Filed: November 10, 2014
Trial Date: May 1, 2016

1 Pursuant to the Civil Local Rules of the United States District Court for the Northern
2 District of California, the parties, Plaintiffs BRETT MACDONALD and AMALIA
3 MACDONALD ("Plaintiffs"), and Defendant WELLS FARGO BANK, N.A. ("Wells Fargo"),
4 through their counsel of record, hereby stipulate to the following:

5 WHEREAS, on November 10 2014, Plaintiff filed her Complaint in the above-captioned
6 court against Defendants;

7 WHEREAS, on April 12, 2016, the Court issued a Scheduling Order, setting a jury trial
8 for March 13, 2017 and the following trial related deadlines:

- 9 a. Fact Discovery Cutoff on September 13, 2016
- 10 b. Initial Expert Disclosures on September 27, 2016
- 11 c. Rebuttal Expert Disclosures on October 11, 2016
- 12 d. Expert Discovery Cutoff on October 25, 2016
- 13 e. Dispositive Motion Hearing Deadline on December 8, 2016 at 2:00 p.m.
- 14 f. Pretrial Conference on February 28, 2017 at 3:00 p.m.;
- 15 g. Jury Trial on March 13, 2017.

16 WHEREAS, on or around September 1, 2016, the Parties submitted a stipulation to
17 continue the trial in this matter given the unavailability of Defendant's person most
18 knowledgeable for deposition prior to the September 13, 2016 fact discovery cut-off date;

19 WHEREAS, on or around September 21, 2016, the Court issued a Scheduling Order
20 continuing all of the deadlines in this matter and Ordered the Parties to complete Expert
21 Discovery by December 9, 2016;

22 WHEREAS, Initial Expert Disclosures are currently due on November 11, 2016 and
23 Rebuttal Expert Disclosures are due on November 25, 2016;

24 WHEREAS, on or around November 9, 2016, Counsel for Plaintiff, Sarah Shapero, had a
25 family emergency arise that will result in her being out of the office until November 14, 2016 at
26 the earliest;

27 WHEREAS, on or around October 31, 2016, Counsel for Defendant, Thomas Abbott,
28 commenced trial in another matter resulting in his being out of the office the week of October 31,

2016;

WHEREAS, following the completion of fact discovery the Parties have engaged in settlement communications and believe that a brief continuance of the expert discovery deadline will increase the possibility of settlement without the need of expending monies to retain experts;

WHEREAS, no other deadlines in this matter will be affected by the requested continuance.¹

STIPULATION

The parties stipulate to and request a four-week continuance of the following expert discovery deadlines:

	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Initial Expert Disclosures Due	November 11, 2016	December 9, 2016
Rebuttal Expert Disclosures Due	November 25, 2016	December 23, 2016
Expert Discovery Cut off	December 9, 2017	January 6, 2017

IT IS SO STIPULATED.

Respectfully Submitted,

Dated: November 9, 2016

SEVERSON & WERSON

By: /s/ Thomas Abbott
Thomas Abbott, Esq.
Attorney for Defendant
WELLS FARGO BANK, N.A.

Dated: November 9, 2016

MELLEN LAW FIRM

By: /s/ Sarah Shapero
Sarah Shapero, Esq.
Attorney for Plaintiffs
BRETT MACDONALD and AMALIA
MACDONALD

¹ The Parties understand that the deadline to file Dispositive Motions is December 22, 2016, however, the Parties agree that, given the facts of this case, it is not necessary to complete expert discovery prior to filing any Dispositive Motions.

1
2 **ORDER**

3 This Court, having received and reviewed the stipulation of the parties referenced
4 immediately above, and finding good cause therefore, pursuant to the stipulation of the parties;

5 The expert discovery deadlines are continued as follows:
6

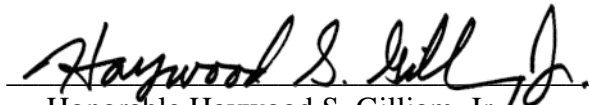
7 Initial Expert Disclosures Due December 9, 2016

8 Rebuttal Expert Disclosures Due December 23, 2016

9 Expert Discovery Cut off January 6, 2017

10 **IT IS SO ORDERED.**
11

12 Dated: November 10, 2016

13 
14 Honorable Haywood S. Gilliam, Jr.
15
16
17
18
19
20
21
22
23
24
25
26
27
28