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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 THOMAS FERNANDEZ, LORA SMITH,
 12 and TOSHA THOMAS

Case No. C06-07339 CW

13 Plaintiffs,

**STIPULATION AND ORDER SETTING
 PRE-TRIAL AND TRIAL SCHEDULE
 AS MODIFIED**

14 vs.

15 K-M INDUSTRIES HOLDING CO., INC.;
 16 K-M INDUSTRIES HOLDING CO., INC.
 17 ESOP PLAN COMMITTEE; WILLIAM
 18 E. AND DESIREE B. MOORE
 19 REVOCABLE TRUST; TRUSTEES OF
 20 THE WILLIAM E. AND DESIREE B.
 21 MOORE REVOCABLE TRUST; CIG
 22 ESOP PLAN COMMITTEE; NORTH
 23 STAR TRUST COMPANY; DESIREE B.
 24 MOORE REVOCABLE TRUST;
 25 WILLIAM E. MOORE MARITAL
 26 TRUST; WILLIAM E. MOORE
 27 GENERATION-SKIPPING TRUST; and
 28 DESIREE MOORE, BOTH IN HER
 INDIVIDUAL CAPACITY AND AS
 TRUSTEE OF THE WILLIAM E AND
 DESIREE B. MOORE REVOCABLE
 TRUST'S SUCCESSOR TRUSTS
 NAMED ABOVE,

Defendants.

1 WHEREAS, the pretrial conference in this case is currently set for June 30, 2009, and trial
2 is set to begin on August 3, 2009;

3 WHEREAS, on October 30, 2008, the Court vacated the previously set expert disclosure
4 and expert discovery cut-off dates and instructed the parties to propose new deadlines;

5 WHEREAS, on January 15, 2009, the Court vacated the previously set cut-off date for
6 hearing dispositive motions and instructed the parties to meet and confer regarding new cut-off
7 dates for dispositive motions, the pretrial conference, and trial;

8 WHEREAS, North Star Trust Company's ("NSTC") Motion for Judgment on the
9 Pleadings ("Motion") and any cross motions on the pleadings are now schedule to be heard June
10 18, 2009;

11 WHEREAS, because the hearing on NSTC's Motion and any cross motions is now set for
12 one week before the pretrial conference and six weeks before the trial date, the parties now
13 propose a schedule designed to economize the proceedings, permit expert discovery, and allow
14 for F.R.Civ.P. Rule 56 motions before the trial of this case on the merits.

15 NOW THEREFORE, THE PARTIES HEREBY STIPULATE and AGREE as follows:

- 16 1. Disclosure of experts and initial reports shall be completed by September 1, 2009;
- 17 2. Disclosure of rebuttal experts and reports shall be completed by September 21,
18 2009;
- 19 3. Expert discovery shall be completed by October 14, 2009;
- 20 4. Last day for hearing dispositive motions shall be December 10, 2009, at 2:00 p.m.:
21 (a) Defendant North Star shall file its motion and supporting brief on October 26,
22 2009; (b) Plaintiffs and the other parties shall file their opposing brief, cross-
23 motion and brief in support of their cross-motion, if any, on November 9, 2009; (c)
24 Defendant North Star shall file its reply and opposition to Plaintiffs' and the other
25 parties' cross-motion, if any, on November 20, 2009; (d) if Plaintiffs and the other
26 parties file a cross-motion, they shall file a reply in support of that motion on
27 November 25, 2009.
- 28 5. Case Management Conference shall be held on December 10, 2009, at 2:00 p.m.;

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ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a
“conformed” signature (/S/) within this e-filed document.

DATED: April 8, 2009

MORGAN, LEWIS & BOCKIUS LLP

By: /S/ Donald P. Sullivan
Nicole A. Diller
Donald P. Sullivan
Attorneys for Defendant North Star Trust
Company

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ORDER

For good cause shown, it is hereby ordered that the following Pre-Trial and Trial schedule shall be adopted in this case:

- 1. Disclosure of experts and initial reports shall be completed by September 1, 2009;
- 2. Disclosure of rebuttal experts and reports shall be completed by September 21, 2009;
- 3. Expert discovery shall be completed by October 14, 2009;
- 4. Last day for hearing dispositive motions shall be December 10, 2009, at 2:00 p.m.:
 (a) Defendant North Star shall file its motion and supporting brief on October 26, 2009; (b) Plaintiffs and the other parties shall file their opposing brief, cross-motion and brief in support of their cross-motion, if any, **in a single brief 25 pages or less**, on November 9, 2009; (c) Defendant North Star shall file its reply and opposition to Plaintiffs' and the other parties' cross-motion, if any, **in a single brief 25 pages or less**, on November 20, 2009; (d) if Plaintiffs and the other parties file a cross-motion, they shall file a reply in support of that motion on November 25, 2009.
- 5. Case Management Conference shall be held on December 10, 2009, at 2:00 p.m.;
- 6. The pre-trial conference shall be held on July 27, 2010, at 2:00 p.m; and
- 7. The bench trial (10 days) shall commence on **August 23, 2010**, at 8:30 a.m.

IT IS SO ORDERED:

4/16/09



DATED: _____

The Honorable Claudia Wilken
United States District Judge

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