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AIG DOMESTIC CLAIMS, INC. AND NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH, PA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD CAYO,

Plaintiff,

v.

VALOR FIGHTING & MANAGEMENT LLC;  
RICK BASSMAN; AIG DOMESTIC CLAIMS,  
INC.; GAGLIARDI INSURANCE SERVICES,  
INC. & DOES 1-15 INCLUSIVE,

Defendants.

CASE NO. CV08-4763 CW

**STIPULATION AND ~~PROPOSED~~  
ORDER TO PARTIALLY REVISE THE  
COURT'S CASE MANAGEMENT ORDER  
MODIFIED**

All parties, by and through their respective counsel, hereby stipulate to partially revise the court's Case Management Order as follows:

**I.  
RECITALS**

1. The parties have been working diligently toward moving this case forward in an efficient, expeditious manner. The parties have exchanged written discovery and responses. The parties are currently scheduling the depositions of fact witnesses. The parties wish to litigate this matter in a cost effective manner and avoid unnecessary attorney's fees and costs.

2. The parties have engaged and continue to engage in settlement negotiations. The parties recently participated in mediation with attorney Charlotte Venner. Ms. Venner continues to actively facilitate post-mediation settlement discussions.

3. Rick Bassman, a pro per defendant in this action, filed for Chapter 7 bankruptcy on April

1 13, 2009. The filing of a bankruptcy petition operates as an automatic stay of the continuation of any  
2 proceeding to recover a claim against the debtor. (11 U.S.C. §362(a).)

3 4. The Scheduling Order in this matter currently includes a fact discovery cut-off of  
4 September 30, 2009. Plaintiff was required to file a dispositive motion by six weeks prior to  
5 November 5, 2009, with defendants' opposition and cross motion (contained within a single brief)  
6 due two weeks later. These dates are no longer practicable.

7 5. The depositions of numerous fact witnesses remain to be taken. The parties have  
8 diligently cooperated in scheduling these depositions but have encountered scheduling difficulties  
9 due to the availability of counsel and witnesses.

10 6. The parties recognize that the Court's determination of a summary judgment or summary  
11 adjudication motion could either terminate this case or significantly narrow the issues relevant for  
12 trial and expert discovery.

13 7. Continuing the hearing deadline for summary judgment motion(s) also necessitates a  
14 brief continuance of other deadlines and the parties also stipulate to certain revisions to the Court's  
15 Scheduling Order to avoid incurring the expense of expert disclosure and other discovery that may  
16 not be necessary following the resolution of a dispositive motion.

17 8. The parties do not seek to continue any deadlines other than those deadlines necessary to  
18 accommodate the cost effective preparation of this matter for trial. The parties do not seek to  
19 continue the trial date or the pretrial conference date.

20 Accordingly, the parties hereby stipulate to revising the Court's February 6, 2009 Minute  
21 Order and Case Management Order.

22  
23 **II.**  
**STIPULATION**

24 The parties hereby stipulate to the following revisions to the court's Scheduling Order:

25 1. Completion of fact discovery November 15, 2009  
26 (currently September 30, 2009)

27 2. Case dispositive motions heard and case  
28 management conference April 8, 2010, 2:00 p.m.

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(currently November 5, 2009)

3. Disclosure of identities and reports of experts February 18, 2010  
(currently December 14, 2009)

4. Completion of expert discovery March 18, 2010  
(currently January 18, 2010)

The remaining deadlines and other dates set forth in the Court's February 6, 2009 Minute Order and Case Management Order remain unchanged.

Dated: September 11, 2009


LAW OFFICES OF MAUREEN E. McFADDEN

By 

MAUREEN E. McFADDEN  
Attorney for Plaintiff  
RICHARD CAYO

Dated: September 11, 2009

HAYES SCOTT BONINO ELLINGSON &  
McLAY, LLP

By  /s/

STEPHEN M. HAYES  
STEPHEN P. ELLINGSON  
REBECCA D. MARTINO  
Attorneys for Defendants  
AIG DOMESTIC CLAIMS, INC. AND  
NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA

Dated: September 11, 2009

ERICKSEN ARBUTHNOT /s/

By 

LOIS LINDSTROM  
KAREN G. POPPY  
Attorneys for Defendant  
GAGLIARDI INSURANCE SERVICES

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**[PROPOSED] ORDER**

Pursuant to the parties' stipulation, the fact and expert discovery cut-off dates, the deadline to file a motion for summary judgment and motion for summary judgment hearing dates are continued as follows:

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|---|---|
| 1. Completion of fact discovery   | November 15, 2010<br>(currently September 30, 2009)         |
| notice to be heard  |   |
| 2. Case dispositive motions heard <del>and case management conference</del> | January 21, 2010, 2:00 p.m.<br>(currently November 5, 2009) |
| 3. Disclosure of identities and reports of experts                          | February 18, 2010<br>(currently December 14, 2009)          |
| 4. Completion of expert discovery   | March 18, 2010<br>(currently January 18, 2010)              |
| 5. Case Management Conference   | April 6, 2010 at 2:00 p.m.                                  |

The remaining deadlines and other dates set forth in the Court's February 6, 2009 Minute Order and Case Management Order remain unchanged.

Dated: September 17, 2009



CLAUDIA WILKEN  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
CALIFORNIA