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6 Attorneys for Defendants
 7 AIG DOMESTIC CLAIMS, INC. AND NATIONAL UNION FIRE
 INSURANCE COMPANY OF PITTSBURGH, PA

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 RICHARD CAYO,
 11 Plaintiff,

CASE NO. CV08-4763 CW

12 v.

**REVISED¹ STIPULATION AND
~~PROPOSED~~ ORDER TO PARTIALLY
 REVISE THE COURT'S CASE
 MANAGEMENT ORDER**

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

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

19 **I.**
 20 **RECITALS**

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

25 2. The parties have engaged and continue to engage in settlement negotiations. The parties
 26 recently participated in mediation with attorney Charlotte Venner. Ms. Venner continues to actively
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28 ¹ Revised only to correct typographical error in order re date of hearing of dispositive motions.

1 facilitate post-mediation settlement discussions.

2 3. Rick Bassman, a pro per defendant in this action, filed for Chapter 7 bankruptcy on April
3 13, 2009. The filing of a bankruptcy petition operates as an automatic stay of the continuation of any
4 proceeding to recover a claim against the debtor. (11 U.S.C. §362(a).)

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

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

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

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

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

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

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25 **II.**
STIPULATION

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

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

- 2. Case dispositive motions heard and case management conference April 8, 2010, 2:00 p.m. (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 2, 2009

LAW OFFICES OF MAUREEN E. McFADDEN
 By [Signature]
 MAUREEN E. McFADDEN
 Attorney for Plaintiff
 RICHARD CAYO

Dated: Sept. 21, 2009

HAYES SCOTT BONINO ELLINGSON & McLAY, LLP
 By [Signature] /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: Sept 21, 2009

ERICKSEN ARBUTHNOT
 By [Signature] /s/
 LOIS LINDSTROM
 KAREN G. POPPY
 Attorneys for Defendant
 GAGLIARDI INSURANCE SERVICES

