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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**GOTT BROTHERS DEVELOPMENT,
LLC, a limited liability company,**

Plaintiff,

vs.

JEAN NICHOLSON et. al.,

Defendants.

AND RELATED CROSS-CLAIM

Case No. CV 09-0807-PJH

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE DISCOVERY
CUTOFFS PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 26**

Judge: Hon. Phyllis J. Hamilton

Plaintiffs and Cross-Defendants GOTT BROTHERS DEVELOPMENT, LLC, a limited liability company; JOEL GOTT, an individual; and DUNCAN GOTT ("Plaintiffs") and Defendants and Cross-Complainants JEAN NICHOLSON and DEAN NICHOLSON, individually and as Trustees of the DEAN AND JEAN T. NICHOLSON FAMILY TRUST; VIRGINIA TOOGOOD, individually and as the Trustee of the VIRGINIA TOOGOOD FAMILY TRUST COMPRISING VIRGINIA T. TOOGOOD ("Defendants") (collectively referred to as

1 the "Parties") respectfully submit this Stipulation to Continue the Discovery Cutoff dates
2 pursuant to Rule 26 of the Federal Rules of Civil Procedure.

3 WHEREAS, on January 31, 2011, the Court Ordered the following Pretrial Schedule:

4 NON-EXPERT DISCOVERY CUTOFF: October 7, 2011

5 DISCLOSURE OF EXPERTS (retained and non-retained): August 26, 2011

6 EXPERT DISCOVERY CUTOFF: October 7, 2011.

7 WHEREAS, Plaintiffs and Defendants have stipulated to continue these dates as follows:

8 NON-EXPERT DISCOVERY CUTOFF: December 15, 2011

9 DISCLOSURE OF EXPERTS (retained and non-retained): December 15, 2011

10 EXPERT DISCOVERY CUTOFF: January 30, 2012

11 The Parties have agreed to said extension to allow for more time to explore settlement
12 without incurring discovery costs;

13 There have been no prior stipulations to continue the discovery cutoffs in this matter;

14 The extension of time will not affect the trial dates currently set in this matter;

15 NOW, THEREFORE, Plaintiffs and Defendants respectfully submit this Stipulation to
16 the Court and respectfully request that it become the Order of the Court.

17 IT IS SO STIPULATED.

18 Dated: August 25, 2011

THE LAW OFFICES OF JAMES R. ROSE

19 /s/ James R. Rose

20 JAMES R. ROSE, Counsel for Plaintiffs and Cross-
21 Defendants

22 Dated: August 25, 2011

23 /s/ Patrick McGovern

24 PATRICK MCGOVERN, Counsel for Defendants
25 and Cross-Complainants

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ORDER

The Parties' Stipulation to continue the Discovery Cutoffs is hereby adopted by this Court. The new discovery cutoffs are now as follows:

NON-EXPERT DISCOVERY CUTOFF: December 15, 2011

DISCLOSURE OF EXPERTS (retained and non-retained): December 15, 2011

EXPERT DISCOVERY CUTOFF: January 30, 2012

Such is the Order of the Court. The parties are ordered to comply with this Order.

Dated: 8/26/11

HONORABLE PHYLLIS J. HAMILTON

