

[Counsel are listed on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

POGA MGMT PTNRS LLC,

Plaintiff,

v.

MEDFILER LLC, d/b/a RPG
CONSULTANTS, ALVIN RAPP, EVAN
RAPP, AND DOES 1-20,

Defendants.

Case Number: C 12-06087 SBA

**STIPULATION AND ~~PROPOSED~~
ORDER TO AMEND ORDER FOR
PRETRIAL PREPARATION**

Trial Date: December 8, 2014

1 Whereas defendants' motion to dismiss the operative complaint under FED. R. CIV. P.
2 12(b)(2) and 12(b)(6) (Docket No. 41) is pending before the Court, and has been fully briefed
3 since December 2013.

4 Whereas, the parties held an Early Neutral Evaluation before mediator George C. Harris on
5 February 5, 2014.

6 Whereas, based on the assessment of George C. Harris the parties have collected
7 information designed to assist in settlement negotiations.

8 Whereas defendants have served requests for production on plaintiff, but plaintiff requires
9 additional time to produce documents sought by the requests.

10 Whereas defendants have served notices of deposition on plaintiff and its principal,
11 Michael Gamboa, but plaintiff cannot make itself or Michael Gamboa available for deposition
12 before June 3, 2014.

13 Whereas, under the existing Pretrial Order (Docket No. 35), the deadline for non-expert
14 discovery to be completed is currently set for June 3, 2014.

15 Whereas, the parties have met and conferred and wish to ask the Court to amend the
16 existing Pretrial Order to allow additional time for further discovery and productive settlement
17 discussions.

18 THE PARTIES HEREBY REQUEST THAT THE COURT AMEND ITS PRETRIAL
19 ORDER AS FOLLOWS:

20 1. The deadline for non-expert discovery will be extended to September 3,
21 2014.

22 2. The deadline for expert designation will be September 3, 2014 and expert
23 discovery shall be completed by October 20, 2014.

24 3. All dispositive motions shall be heard on or before November 29, 2014.

25 The parties must meet and confer prior to filing any motion. The movant shall certify to the Court
26 in its moving papers that it has complied with this requirement. Should the parties fail to meet and
27 confer, the Court may decline to entertain the motion.

1 4. The parties shall participate in a mandatory settlement conference during
2 the following time period: November 25, 2014 – January 24, 2015.

3 5. The pretrial conference will be continued to March 2, 2015. All parties
4 with settlement authority are required to attend the pretrial conference.

5 6. Pretrial preparation, as outlined in the Court's pretrial order (Doc. 35) shall
6 be completed by January 28, 2015.

7 7. Motions in limine shall be filed by February 4, 2015. Oppositions are due
8 on February 11, 2015. Replies are due February 18, 2015.

9 8. Trial before the jury will begin on March 9, 2015 at 8:30 a.m.

11 Dated: May 29, 2014

CURIALE WILSON LLP

/s/ Joseph C. Wilson
JOSEPH C. WILSON
Attorneys for Plaintiff
POGA MGMT PTNRS LLC

15 Dated: May 29, 2014

KASOWITZ, BENSON, TORRES &
FRIEDMAN LLP

/s/ Jason S. Takenouchi
JASON S. TAKENOUCHI
Attorneys for Defendants MEDFILER LLC,
d/b/a RPG CONSULTANTS, ALVIN RAPP,
and EVAN RAPP

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23 Dated: May 30, 2014


Hon. Sandra Brown Armstrong
United States District Court Judge