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\*\*E-Filed 12/2/2009\*\*

5 Attorneys for Defendant  
6 Kelly Hvegholm

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

11 EDWARD L. SCARFF, an individual; NANCY )  
12 V. SCARFF, an individual; SCARFF, SEARS )  
13 & ASSOCIATES, a California partnership; and )  
14 PENTOGA PARTNERS, a California )  
15 partnership, )

14 Plaintiffs,

16 vs.

17 WELLS FARGO BANK, N.A.; COMERICA )  
18 BANK; BANK OF AMERICA CORP.; et al., )

19 Defendants.

Case Number: C03-03394-JF (PVT)  
Case Number: C03-04829-JF (PVT)  
Case Number: C03-05871-JF (HRL)

**STIPULATION AND [PROPOSED]  
ORDER PERMITTING DEFENDANT  
KELLY HVEGHOLM TO NOTICE HER  
MOTION FOR SUMMARY JUDGMENT  
FOR HEARING ON JANUARY 8, 2010**

21 IT IS HEREBY STIPULATED THAT defendant Kelly Hvegholm may notice her motion  
22 for summary judgment for hearing on January 8, 2010 at 9:00 a.m., to be heard with Defendants  
23 Intuit Inc., Computing Resources, Inc., and Lisa Ciccotti's motion for summary judgment.

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28 **STIPULATION AND [PROPOSED] ORDER PERMITTING DEFENDANT KELLY  
HVEGHOLM TO NOTICE HER MOTION FOR SUMMARY JUDGMENT FOR  
HEARING ON JANUARY 8, 2010**

1 Dated: November 25, 2009

GAVIN, CUNNINGHAM & HUNTER

2 By: \_\_\_\_\_ /s/ \_\_\_\_\_

3 Alan F. Hunter, Esq.  
4 Attorneys for Defendant Kelly  
5 Hvegholm

6 Dated: November 25, 2009

COTCHETT, PITRE & McCARTHY

7 By: \_\_\_\_\_ /s/ \_\_\_\_\_

8 Phillip Gregory, Esq.  
9 Attorneys for Plaintiffs

10 **ORDER**

11 Pursuant to stipulation, IT IS SO ORDERED.

12 DATED: 12/1/2009

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14 HONORABLE JEFFREY FOGEL  
15 UNITED STATES DISTRICT JUDGE

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**STIPULATION AND [PROPOSED] ORDER PERMITTING DEFENDANT KELLY  
HVEGHOLM TO NOTICE HER MOTION FOR SUMMARY JUDGMENT FOR  
HEARING ON JANUARY 8, 2010**

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8 Attorneys for Defendant  
9 Kelly Hvegholm

10 **UNITED STATES DISTRICT COURT**

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Case Number: C03-03394-JF (PVT)  
Case Number: C03-04829-JF (PVT)  
Case Number: C03-05871-JF (HRL)

**DECLARATION OF ALAN F. HUNTER IN  
SUPPORT OF STIPULATION  
PERMITTING DEFENDANT KELLY  
HVEGHOLM TO NOTICE HER MOTION  
FOR SUMMARY JUDGMENT FOR  
HEARING ON JANUARY 8, 2010**

22 **DECLARATION OF ALAN F. HUNTER**

23 The undersigned, Alan F. Hunter, declares as set forth in the paragraphs that follow.

- 24 1. I am an attorney duly licensed to practice in California and am admitted to practice  
25 before this Court. I am a partner at Gavin, Cunningham & Hunter and one of the  
26 attorneys of record herein for Defendant Kelly Hvegholm (hereafter "Hvegholm"). I  
27 have personal knowledge of the facts set forth herein.  
28

**STIPULATION AND [PROPOSED] ORDER PERMITTING DEFENDANT KELLY  
HVEGHOLM TO NOTICE HER MOTION FOR SUMMARY JUDGMENT FOR  
HEARING ON JANUARY 8, 2010**

- 1           2. I make this declaration in support of Hvegholm's stipulated request to permit  
2           Hvegholm to notice her motion for summary judgment for hearing on January 8,  
3           2010, to be heard with the Intuit Defendants' motion for summary judgment.
- 4           3. At the case management conference held on May 29, 2009, the Court adopted a  
5           pretrial schedule based on adding 75 days to plaintiffs' proposed pretrial schedule.  
6           (See 5/29/09 Minute Order, Docket No. 429.)
- 7           4. Plaintiffs' proposed schedule would have had dispositive motions heard on Monday,  
8           October 19, 2009, at 9:30 a.m. The Court added 75 days to plaintiffs' proposed  
9           schedule, resulting in a hearing on January 2, 2010, a Saturday. Accordingly, the  
10          operative case management order presumably calls for a dispositive motion hearing  
11          on Monday, January 4, 2010 at 9:30 a.m.
- 12          5. The Court hears civil motions on Fridays at 9:00 a.m. A January 4, 2010 hearing is  
13          not compatible with the Court's practice.
- 14          6. Due to the holidays, the Court is not holding civil motion hearings on Friday,  
15          December 25, 2009, or Friday, January 1, 2010. The closest available hearing date to  
16          January 4, 2010, is therefore Friday, January 8, 2010.
- 17          7. The Intuit Defendants thus request that the Court permit them to notice their motion  
18          for summary judgment for hearing on January 8, 2010, at 9:00 a.m. Counsel for  
19          plaintiffs have consented to this request.
- 20          8. An associate from my firm contacted the Court's calendar clerk, who confirmed that  
21          the Court could hear Hvegholm's motion for summary judgment on January 8, 2010,  
22          with the Intuit Defendants' motion for summary judgment.
- 23          9. The current deadline for filing dispositive motions is November 30, 2009. Hvegholm  
24          is not requesting an extension of this deadline.
- 25          10. Hvegholm has not previously requested a change to this current hearing date.
- 26          11. The change, if granted, would not affect the remaining dates on the case management  
27          order.
- 28

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

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5 Dated: November 25, 2009

GAVIN, CUNNINGHAM & HUNTER

6 By: \_\_\_\_\_ /s/

7 Alan F. Hunter, Esq.  
8 Attorneys for Defendant Kelly  
9 Hvegholm  
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