

1 EDMUND G. BROWN JR.  
 Attorney General of California  
 2 PAUL T. HAMMERNESS  
 Supervising Deputy Attorney General  
 3 KAY K. YU  
 Deputy Attorney General  
 4 State Bar No. 142479  
 455 Golden Gate Avenue, Suite 11000  
 5 San Francisco, CA 94102-7004  
 Telephone: (415) 703-5593  
 6 Fax: (415) 703-5480  
 E-mail: Kay.Yu@doj.ca.gov  
 7 *Attorneys for Defendant Cesar Sinnaco*

8 BINGHAM McCUTCHEM LLP  
 William Bates III (SBN 63317)  
 9 bill.bates@bingham.com  
 Christopher M. O'Connor (SBN 229576)  
 10 christopher.oconnor@bingham.com  
 1900 University Ave.  
 11 East Palo Alto, CA 94303  
 Tel: (650) 849-4400  
 12 Fax: (650) 849-4800  
*Attorneys for Plaintiff Washington C. Montano*

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

17 **WASHINGTON C. MONTANO,**  
 18  
 Plaintiff,  
 19  
 v.  
 20  
 21 **CESAR L. SINNACO,**  
 22  
 Defendants.

Case No.: C 04 0543 JF (PR)

**AMENDED STIPULATION AND  
 [PROPOSED] ORDER REGARDING  
 CASE SCHEDULE**

Trial Date: April 15, 2010  
 Action Filed: Feb. 9, 2004

23  
 24 Plaintiff Washington C. Montano and Defendant Cesar L. Sinnaco (collectively, "parties")  
 25 hereby amend their agreement and stipulation as follows:

26 WHEREAS on November 24, 2010, the parties filed a Stipulation and [Proposed] Order  
 27 Regarding Case Schedule (Docket No. 59), which sought to amend the scheduling order approved  
 28 by the Court on September 20, 2010 (Docket No. 57);

1 WHEREAS on December 9, 2010, the Court approved the Stipulation and [Proposed]  
2 Order (Docket No. 60);

3 WHEREAS, during the week of December 13, 2010, Plaintiff's intended expert witness  
4 encountered a conflict that prohibited his participation in the case;

5 WHEREAS Plaintiff has preliminarily identified a replacement expert but, due to the  
6 intended replacement expert's prearranged travel during the holiday season, Plaintiff does not  
7 have sufficient time to prepare and submit an expert disclosure statement pursuant to  
8 Rule 26(a)(C)(2) of the Federal Rules of Civil Procedure;

9 WHEREAS Defendant's counsel is scheduled to commence trial in another matter on  
10 February 22, 2010; and

11 WHEREAS the parties met and conferred, and hereby seek to amend the Court's  
12 scheduling order to allow for additional time to designate expert witnesses and to accommodate  
13 the trial schedule of Defendant's counsel;

14 THE PARTIES HEREBY STIPULATE to the following amended case schedule for Court  
15 approval:

16 Designation of expert witnesses by February 4, 2011;

17 Designation of rebuttal expert witnesses by March 4, 2011;

18 Expert discovery to be completed by May 9, 2011; and

19 Trial is rescheduled to a date and time to be selected by the Court; the parties propose  
20 that the trial date be set during or after June 2011.

21 Dated: December 21, 2010

EDMUND G. BROWN JR.  
Attorney General of California  
PAUL T. HAMMERNESS  
Supervising Deputy Attorney General

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24 By: \_\_\_\_\_ /s/  
Kay K. Yu  
Deputy Attorney General  
Attorneys for Defendant Cesar Sinnaco  
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I, Christopher M. O'Connor, declare, under penalty of perjury under the laws of the United States of America, that Deputy Attorney General Kay K. Yu has concurred in the filing of this document.

Dated: December 21, 2010

BINGHAM McCUTCHEN LLP

By: \_\_\_\_\_ /s/  
Christopher M. O'Connor  
Attorneys for Plaintiff Washington C.  
Montano

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/12/10

  
\_\_\_\_\_  
Hon. Jeremy Fogel