

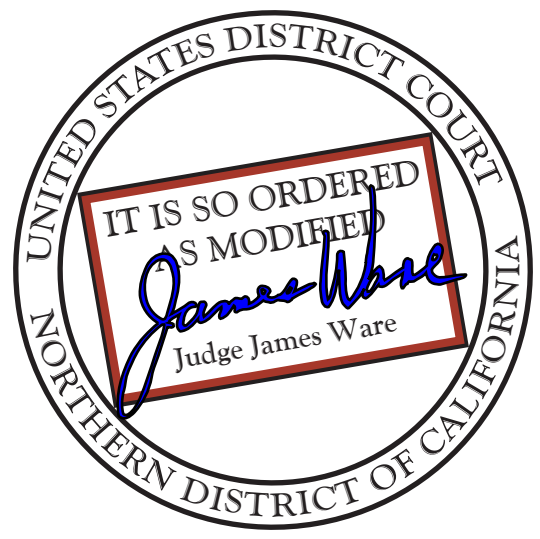
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17 Attorneys for Plaintiff JOHN C. REZNER



19 IN THE UNITED STATES DISTRICT COURT
 20 FOR THE NORTHERN DISTRICT OF CALIFORNIA

21 JOHN C. REZNER, an individual,)	Civil Action No. C 06 2064 JW (RS)
)	
22 Plaintiff,)	STIPULATION RE MODIFICATION OF
)	CASE SCHEDULE; [PROPOSED]
23 v.)	ORDER
)	
24 BAYERISCHE HYPO- UND)	
25 VEREINSBANK AG, <i>et al.</i> ,)	[N.D.L.R. 6-2]
)	
26 Defendants.)	<u>Preliminary Pretrial Conference</u>
)	Date: December 15, 2008
)	Time: 11:00 a.m.
)	Ctrm: 8

1 This Stipulation is entered into by and between Defendants Bayerische Hypo- und
2 Vereinsbank AG and HVB U.S. Finance Inc. (f/k/a HVB Structured Finance, Inc.) (collectively
3 “HVB”) and Plaintiff John C. Rezner (“Plaintiff”), through their respective counsel of record.

4 A. On August 28, 2008, the Court ordered the following pretrial schedule (Dckt.
5 #142):

<u>Deadline/Event</u>	<u>Date</u>
6 Close of All Discovery	7 January 16, 2009
8 Last Date for Hearing Dispositive Motions	9 February 23, 2009
10 Preliminary Pretrial Conference Statements	11 December 5, 2008
12 Preliminary Pretrial Conference at 11 a.m.	13 December 15, 2008

14 B. On November 13, 2008, the parties submitted their stipulation to modify the
15 pretrial schedule to the following:

<u>Deadline/Event</u>	<u>Date</u>
16 Close of All Discovery	17 March 31, 2009
18 Last Date for Hearing Dispositive Motions	19 April 30, 2009
20 Preliminary Pretrial Conference Statements	21 February 16, 2009
22 Preliminary Pretrial Conference at 11 a.m.	23 February 23, 2009 or March 2, 2009

24 C. On November 20, 2008, the Court entered its Order denying the parties’
25 stipulation:

26 Upon consideration, the Court DENIES the parties’ Stipulation without prejudice
27 to being renewed. Since the parties are scheduled for mediation on December 4,
28 2008, the parties can update the Court on their efforts in their Joint Preliminary
Pretrial Statement which is due on **December 5, 2008**. If mediation is fruitful and
the parties wish to focus their efforts on settlement, the Court will then entertain a
Stipulation to extend the current case schedule.

The Preliminary Pretrial Conference currently set for **December 15, 2008** shall
remain on calendar. For good cause shown, it may be continued to accommodate
the parties’ settlement efforts.

1 D. The parties are submitting concurrently herewith their Joint Preliminary Pretrial
2 Conference Statement which, per the Court's November 20, 2008 Order, provides the following
3 update regarding their settlement efforts:

4 On December 4, 2008, the parties engaged in private mediation in New York. At
5 the mediation, the parties agreed to share certain materials and information – not
6 otherwise discoverable – that the parties believe will facilitate further settlement
7 discussions. [fn] The parties also agreed to participate in a follow-up mediation
8 session after the parties have had the opportunity to share and adequately consider
9 such materials and/or information. The parties will continue to work diligently
10 towards completing discovery while settlement discussions continue.

11 E. As noted and requested in the parties' Joint Preliminary Pretrial Conference
12 Statement, the parties stipulate and request that the Court modify the current Scheduling Order as
13 follows:

<u>Deadline/Event</u>	<u>Date</u>
Close of All Discovery	March 31, 2009
Last Date for Filing Dispositive Motions	April 30, 2009
Preliminary Pretrial Conference Statements	February 16, 2009
Preliminary Pretrial Conference at 11 a.m.	February 23, 2009 or March 2, 2009

17 Dated: December 5, 2008

18 Kathryn Keneally
19 Joseph H. Park
20 India DeCarmin
21 FULBRIGHT & JAWORSKI L.L.P.

22 /S/ Joseph H. Park

23 Joseph H. Park
24 Attorneys for Defendants
25 BAYERISCHE HYPO- UND VEREINSBANK
26 AG and HVB U.S. FINANCE INC.

27 Dated: December 5, 2008

28 William M. Lukens
Jennifer L. Jonak
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/S/ Jennifer L. Jonak

Jennifer L. Jonak
Attorneys for Plaintiff JOHN C. REZNER

~~PROPOSED~~ ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED that the case schedule is modified as follows:

<u>Deadline/Event</u>	<u>Date</u>
Close of All Discovery	March 31, 2009
Last Date for Hearing on Dispositive Motions	May 18, 2009 at 9 a.m.
Preliminary Pretrial Conference Statements	February 13, 2009
Preliminary Pretrial Conference at 11 a.m.	February 23, 2009

In light of this Order, the Preliminary Pretrial Conference set for December 15, 2008 is VACATED.

Dated: December 10, 2008


 HON. JAMES WARE
 United States District Judge
 Northern District of California