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5 Attorneys for Plaintiffs  
 21X CAPITAL LTD. and DAVID A.  
 6 BREWER

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

12 21X CAPITAL LTD. and DAVID A.  
 BREWER,

13 Plaintiffs,

14 vs.

15 ROBERT WERRA and JOHN WERRA,

16 Defendants.

Case No. C06-04135 JW (HRL)

17 **STIPULATION AND [PROPOSED]**  
**ORDER ADVANCING PRELIMINARY**  
**PRETRIAL CONFERENCE**

18 Plaintiffs 21X Capital Ltd. and David A. Brewer, and defendants Robert Werra  
 19 and John Werra (collectively, "the parties"), by and through their attorneys of record, file this  
 20 stipulation and [proposed] order regarding the preliminary pretrial conference currently set  
 21 for June 2, 2008. The parties request that the preliminary pretrial conference in this case be  
 22 advanced and held on February 25, 2008 at 11:00 a.m. in Department 8, and that the parties  
 23 submit a preliminary pretrial and trial setting conference statement no later than February 15,  
 24 2008.

25 This is an alter ego action. Plaintiffs obtained state court judgments against  
 26 RJW Acquisitions, L.C. ("RJW"), and RJW filed bankruptcy. This alter ego case was then  
 27 filed against defendant owners of RJW, John and Robert Werra, who removed the case to this  
 28 Court.

1 The parties believe that this case will be ready for trial in late May/early June,  
2 and they understand that the Court may have some availability then. The parties thus  
3 respectfully request that the preliminary pretrial conference be advanced to February 25, 2008  
4 and a trial date be set at such conference. This will be a bench trial.

5 **IT IS SO STIPULATED.**

6 For Plaintiffs:

7 Dated: January \_\_, 2008

ROGERS JOSEPH O'DONNELL

8 By: /s/ THOMAS H. CARLSON

9 Attorneys for Plaintiffs 21X CAPITAL LTD. and  
10 DAVID A. BREWER

11 For Defendants:

12 Dated: January \_\_, 2008


KEKER & VAN NEST

13 By: /s/ JON STREETER

14 Attorneys for Defendants ROBERT WERRA and  
15 JOHN WERRA

16 THE FOREGOING STIPULATION IS APPROVED AND IT IS SO  
17 ORDERED. The preliminary pretrial conference currently set for June 2, 2008 is hereby  
18 vacated and advanced to February 25, 2008 at 11:00 a.m. in Department 8. The parties are  
19 ordered to file a preliminary pretrial and trial setting conference statement (and proposed  
20 order) no later than February 15, 2008.

21  
22 Dated: February 8, 2008

23   
24 Hon. JAMES WARE  
25 United States District Court Judge