

1 KAREN KAHN (STATE BAR NO. 98404)  
 2 DAVID POORE (STATE BAR NO. 192541)  
 3 KAHN, BROWN & POORE  
 4 30 Fifth Street, Second Floor  
 Petaluma, CA 94952  
 Telephone: +1-707-763-7100  
 Facsimile: +1-707-763-7108

5 Attorneys for Plaintiffs  
 6 Tracie Lythgoe, Behnaz Morshedi, & Patricia Simpson

7 PATRICIA K. GILLETTE (STATE BAR NO. 74461)  
 pgillette@orrick.com  
 8 GREG J. RICHARDSON (STATE BAR NO. 203788)  
 grichardson@orrick.com  
 9 ORRICK, HERRINGTON & SUTCLIFFE LLP  
 The Orrick Building  
 405 Howard Street  
 10 San Francisco, CA 94105-2669  
 Telephone: +1-415-773-5700  
 11 Facsimile: +1-415-773-5759

12 Attorneys for Defendant  
 13 BANK OF THE WEST

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

17 TRACIE LYTHGOE, BEHNAZ  
 18 MORSHEDI, PATRICIA SIMPSON,  
 MARYLIN FOSTER and ANGIE  
 19 KOTTIKAS,

20 Plaintiffs,

21 v.

22 BANK OF THE WEST, KEN FUJIHARA,  
 and LINDA LOCKLEAR,

23 Defendants.

Case No. 5:07-CV-02300-JF

**JOINT STIPULATION AND  
 [PROPOSED] ORDER GRANTING  
 PARTIES REQUEST TO MOVE  
 SUMMARY JUDGMENT HEARING  
 DATE TO NOVEMBER 13, AND TO  
 MOVE TRIAL DATE AND OTHER  
 DEADLINES**

1 By this joint stipulation, Defendant Bank of the West and Plaintiffs Tracie  
2 Lythgoe, Behnaz Morshedi, and Patricia Simpson, by and through their attorneys of record, seek  
3 to move the hearing date on summary judgment to November 13, 2009; the trial date from  
4 January 8, 2010 to March 3, 2010 (less than two months); and other deadlines as set forth below.

5 The parties stipulate that good cause exists for this request for the following:

6 1. The original trial date of January 8, 2010 and the associated case-related deadlines  
7 were negotiated by the parties and approved by the Court in its Order of February 27, 2009  
8 (Docket No. 40).

9 2. Due to circumstances since the Scheduling Order, certain deadlines, including the  
10 last date to hear dispositive motions, have been moved that affect the trial date.

11 3. The deadline to hear dispositive motions was initially August 14, 2009, nearly five  
12 months before trial. In its Order dated July 23, 2009 (Docket No. 51), the Court extended that  
13 deadline for good cause, and Defendant's Summary Judgment motion was accordingly noticed  
14 for September 25, 2009.

15 4. In its Order of September 3, 2009 (Docket No. 68), for good cause, the Court  
16 extended this deadline and requested the parties to negotiate a hearing date on or after October 30,  
17 2009. The deadline for hearing dispositive motions has therefore been extended nearly three  
18 months from the original deadline.

19 5. The parties have negotiated and stipulated to a November 13, 2009 hearing date  
20 for Defendant's Motion for Summary Judgment. The parties have reserved that hearing date  
21 with the Court, and with its approval, request the date of the hearing be moved to this date.  
22 Additionally, the parties have agreed that Plaintiffs will file their opposition to Defendant's  
23 motion on October 16, 2009. Defendant's reply brief will be due on October 30, 2009, 14 days  
24 before the November 13, 2009 hearing date.

25 6. The moving of the summary judgment hearing date affects other trial-related  
26 deadlines. For example, under the current scheduling order, expert disclosures must be made by  
27 September 30, 2009 and expert discovery must be completed by October 30, 2009, before the  
28 new date of the hearing on Defendant's Motion for Summary Judgment.

1           7.       Additionally, other trial-related deadlines are set in November and December  
2 when Defendant's Motion may not yet be decided.

3           8.       As a result, to avoid the parties engaging in extensive trial preparation before the  
4 Motion for Summary Judgment has been decided, to give the parties enough time to prepare the  
5 case for trial, and because the dispositive motion deadline has been extended three months, the  
6 parties request that all deadlines in the February 27, 2009 Order be moved. The parties have  
7 stipulated to the following dates:

- 8                   • January 10, 2010 – Expert witness designation
- 9                   • February 5, 2010 – Expert discovery complete
- 10                  • February 16, 2010 – Last day to file and serve Motions in Limine
- 11                  • February 23, 2010 – Pre-Trial Conference
- 12                  • March 3, 2010 – Trial

13           9.       The parties therefore request the Court approve the stipulated requests set forth  
14 herein, or to other dates agreeable to the Court.

15  
16  
17 Dated: September 15, 2009

KAHN, BROWN & POORE

18                   */s/ David Poore*

19                   \_\_\_\_\_  
David Poore  
Attorneys for Plaintiffs

20  
21  
22 Dated: September 15, 2009

Orrick, Herrington & Sutcliffe LLP

23                   */s/ Greg J. Richardson*

24                   \_\_\_\_\_  
PATRICIA K. GILLETTE  
GREG J. RICHARDSON  
Attorneys for Defendant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

Pursuant to stipulation and good cause appearing, it is so ordered:

- Defendant’s Motion for Summary Judgment will be heard on November 13, 2009.
- Plaintiffs’ Opposition to this Motion will be filed and served on October 16, 2009.
- Defendant’s Reply to this Motion will be filed and served on October 30, 2009.
- January 10, 2010 – Expert witness designation
- February 5, 2010 – Expert discovery complete
- February 16, 2010 – Last day to file and serve Motions in Limine
- February 23, 2010 – Pre-Trial Conference
- March 3, 2010 – Trial

BZ; bMQIPISQ

By the Court:



The Honorable Jeremy Fogel