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5 Attorneys for Plaintiff United States Fire  
 Insurance Company

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

11 UNITED STATES FIRE INSURANCE  
 12 COMPANY, a corporation,

13 Plaintiff,

14 vs.

15 VESTA STRATEGIES, LLC, a limited liability  
 company; SAMUEL W. HENKA, an  
 16 individual,

17 Defendants.

Case No.: C 09 02388 JW PVT

**STIPULATION AND ORDER  
 REGARDING PRETRIAL DEADLINES**

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 19 Plaintiff United States Fire Insurance Company and defendant Vesta Strategies, LLC, by  
 20 and through its Court-Appointed Receiver Thomas Dillon, stipulate as follows:

21 1. On December 16, 2009, the Court entered a Scheduling Order at Docket # 121,  
 22 which set various deadlines, including the following:

23 Close of All Discovery	March 14, 2011
24 Last Date for Hearing Dispositive Motions	May 9, 2011
25 Preliminary Pretrial Conference at 11:00 a.m.	February 14, 2011
26 Preliminary Pretrial Conference Statements	February 4, 2011

27 2. Also on December 16, 2009, the Court entered an Order appointing Thomas  
 28 Dillon as Receiver of Vesta Strategies, LLC (Docket #123). On December 22, 2009, the

1 Receiver's Oath and Affirmation were filed (Docket # 126). On January 13, 2010, the Court  
2 approved the Receiver's Bond (Docket # 129).

3 3. On September 23, 2010, the Court entered an Order appointing the firm of  
4 Hollister & Brace as counsel for the Receiver (Docket # 188).

5 4. In the period between the entry of the Scheduling Order and today, the Court has  
6 dismissed the Counterclaim of defendant Henka and the putative class which he sought to  
7 represent, leaving only U.S. Fire, Vesta and Samuel Henka as parties to this lawsuit. (Docket #  
8 181, May 27, 2010). U.S. Fire and Henka are contemporaneously submitting a Stipulation and  
9 Order for dismissal without prejudice of U.S. Fire's claims against Henka, which will leave U.S.  
10 Fire and Vesta, through the Receiver, as the only parties to this action.

11 5. On October 22, 2010, the Court granted a Stipulation and Order to set aside the  
12 default of Vesta and gave Vesta 10 days to file a Counterclaim. Docket # 191.

13 6. Because Vesta has just appeared in this action, the remaining time allotted for  
14 discovery in this action is insufficient to for purposes of resolving the issues between U.S. Fire  
15 and Vesta. Vesta and U.S. Fire stipulate and request that the Court amend the December 21,  
16 2009 Scheduling Order to make the deadlines as follows:

17 Close of All Discovery	January 13, 2012
18 Last Date for Hearing Dispositive Motions	March 26, 2012
19 Preliminary Pretrial Conference at 11:00 a.m.	December 12, 2011
20 Preliminary Pretrial Conference Statements	December 2, 2011

21 These dates represent an extension of approximately 10 months, equivalent to the amount of  
22 time which has elapsed between the appointment of the Receiver, and the authorization of  
23 retention of counsel by the Receiver with the subsequent vacating of the default of Vesta.

1 DATED: October 29, 2010

2 BULLIVANT HOUSER BAILEY PC

3  
4 By /s/ Andrew B. Downs  
Andrew B. Downs, SBN 111435

5  
6 Attorneys for Plaintiff United States Fire Insurance  
Company

7 DATED: 10/29/10

8 HOLLISTER & BRACE

9  
10 By /s/ Peter L. Candy (per e-mail authorization)  
Robert L. Brace, SBN 122240  
Peter L. Candy, SBN 149976

11  
12 Attorneys for Thomas Dillon, Court-Appointed  
13 Receiver for defendant Vesta Strategies, LLC and  
for defendant Samuel Henka

14 **ORDER**

15 The parties having stipulated and good cause appearing due to the need for the Receiver  
16 to retain counsel,

17 IT IS HEREBY ORDERED that the Scheduling Order filed December 16, 2009 (Docket  
18 # 121) is modified to substitute the following deadlines in the Case Schedule:

19 Close of All Discovery (¶ 9)	January 13, 2012
20 Last Date for Hearing Dispositive Motions (¶ 10)	March 26, 2012
21 Preliminary Pretrial Conference at 11:00 a.m. (¶ 13)	December 12, 2011
22 Preliminary Pretrial Conference Statements (¶ 11)	December 2, 2011

23  
24 All other provisions and deadlines set in the Scheduling Order filed December 16, 2009  
25 (Docket # 121) shall remain in full force and effect.

26 DATED: November 3, 2010

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28   
United States District Judge