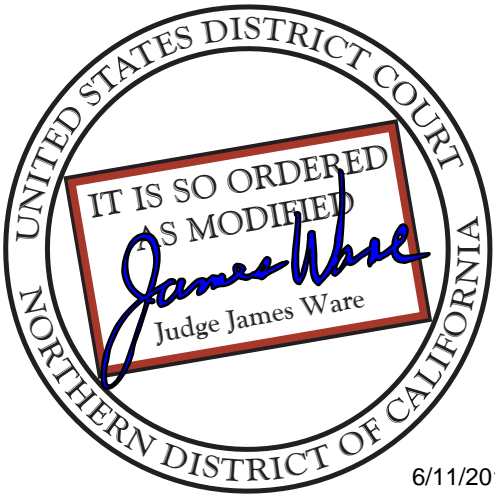


1 ALEANDER F. STUART, SBN – 96141  
 2 RONALD J. COOK, SBN – 121398  
 3 WILLOUGHBY, STUART & BENING  
 4 50 W. San Fernando Street, Suite 400  
 5 San Jose, California 95113  
 Telephone: (408) 289-1972  
 Facsimile: (408) 295-6375  
 E-Mail: afs@wsblaw.net  
 rjc@wsblaw.net



6/11/2010

6 Attorneys for Plaintiff/Counter-Defendant  
 7 MONTEREY MUSHROOMS, INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

WILLOUGHBY, STUART & BENING

11 MONTEREY MUSHROOMS, INC.,  
 12 Plaintiff,

CASE NO: 5:09-cv-02501-JW

**STIPULATED ORDER AMENDING CASE  
 SCHEDULE IN SCHEDULING ORDER**

13 vs.

14 TRAVELERS PROPERTY CASUALTY  
 15 COIMpany OF AMERICA; THE  
 16 TRAVELERS LLOYDS INSURANCE  
 COMPANY; and DOES 1 through 100  
 (INCLUSIVE),

17 Defendants.

18 THE TRAVELERS LLOYDS  
 19 INSURANCE COMPANY,  
 20 Counter-Claimant,

21 vs.

22 MONTEREY MUSHROOM, INC.  
 23 Counter-Defendant.

25 IT IS HEREBY STIPUALTED by and between the parties to this action that good cause  
 26 appears to amend the CASE SCHEDULE set forth in the Court’s October 15, 2009  
 27 SCHEDULING ORDER. The grounds for this stipulated order are that the parties have diligently  
 28

1 been working toward a mediated resolution of this coverage dispute through the services of  
2 JAMS mediator Judge Richard Silver (Ret.). His mediation efforts have been ongoing  
3 continuously since December 17, 2009, and included a second session on February 17, 2010. It  
4 was during that session that the parties agreed that in order to have fruitful settlement discussions,  
5 the two sides needed to come to some agreement on the range, if not the actual amount of  
6 damages. Consequently, the parties agreed that their respective CPA's would meet at Plaintiffs  
7 facility in Texas to review documents and meet with on site personnel, and thereafter meet and  
8 confer in an effort to reach agreement on the amount of Plaintiff's Hurricane Ike damage claims.  
9 That process was lengthy and finished up on or about May 25, 2010. As a result the parties agree  
10 that the total amount of damage exceeds \$3.65 Million Dollars. Since that time, Judge Silver has  
11 been in constant telephone contact with the parties attempting to settle the case. This ongoing  
12 process has resulted in an agreement by the parties to attend a final mediation session in  
13 Monterey on the first available date on Judge Silver's calendar, July 7, 2010.

14  
15  
16 Because of Judge Silver's ongoing efforts, combined with the work being done by the  
17 CPA's, the parties agreed to refrain from the time and expense of litigation. The parties have  
18 agreed that if the case does not settle at the July 7, 2010 mediation, depositions begin the  
19 following day on July 8, 2010.

20  
21 In light of these facts, the parties agree, and hereby stipulate that the court may amend the  
22 CASE SCHEDULE by continuing all existing deadlines by no less than 60 days to new dates that  
23 are convenient with the Court's schedule. This includes continuing the following currently  
24 scheduled deadlines:

25 **June 14, 2010** **Disclosure of Expert Witnesses (63 days before discovery closes)**

26 **July 2, 2010** **Preliminary Pretrial Conference Statements**

27 **July 12, 2010** **Preliminary Pretrial Conference**  
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**August 16, 2010 Close of Discovery**

**October 18, 2010 Last Date to Hear Dispositive Motions**

Dated: June 11, 2010

WILLOUGHBY, STUART & BENING

By: \_\_\_\_\_ /s/  
Alexander F. Stuart  
Ronald J. Cook  
Attorneys for Plaintiff/Counter-Defendant  
MONTEREY MUSHROOMS

Dated: June 11, 2010

BULLIVANT Houser BAILEY

By: \_\_\_\_\_ /s/  
SAMUEL H. RUBY  
Attorneys for Defendants  
TRAVELERS PROPERTY CASUALTY  
COMPANY OF AMERICA and THE  
TRAVELERS LLOYDS INSURANCE  
COMPANY

I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
“conformed” signature (/s/) within this efiled document.

**STIPULATED ORDER**

IT IS HEREBY ORDERED that based on the stipulation of the parties, the CASE  
SCHEDULE in the SCHEDULING ORDER in this action is hereby amended to extend the  
deadlines set forth therein to the following dates:

- August 30, 2010 Disclosure of Expert Witnesses (63 days before discovery closes)**
- September 3, 2010 Preliminary Pretrial Conference Statements**
- September 13, 2010 Preliminary Pretrial Conference**
- November 1, 2010 Close of Discovery**
- December 13 2010 Last Date to Hear Dispositive Motions**

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All other rules and orders set forth in the SCHEDULING ORDER that are not impacted by the new dates shall remain the same.

Dated: June 11, 2010

  
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JAMES WARE  
United States District Judge