

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



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MARILYN JO CHINIVASAGAM,

Plaintiff,

v.

EQUILON ENTERPRISES, LLC a Delaware
limited liability company dba Shell Oil Products
US, and DOES 1 through 10, Inclusive,

Defendants.

EQUILON ENTERPRISES LLC, a Delaware
limited liability company dba Shell Oil Products
US,

Defendant and Counter-Claimant,

v.

MARILYN JO CHINIVASAGAM, and DOES 1
through 10, Inclusive,

Plaintiff and Counter-Defendants.

Case No. 5:09-CV-03136-JW (PVT)

**[PROPOSED] ORDER GRANTING
PARTIES' RIGHT TO COMPLETE
DISCOVERY AFTER CURRENT
DISCOVERY CUT-OFF DATE**

Complaint Filed: July 10, 2009

Ct. Rm.: 8
Judge: Hon. James Ware
M. Judge: Hon. Patricia V. Trumbull
Trial Date: Not Set

Current Deadlines: June, 14, and 28, 2010
New Deadlines: July 9 and 23, 2010

The parties hereto, by and through their respective counsel, having entered a Stipulation to preserve their rights to complete discovery after the currently set discovery cut-off of August 16, 2010, if necessary after appeal, and to avoid unnecessary costs and attorneys' fees in proceeding with

**[PROPOSED] ORDER GRANTING PARTIES' RIGHT TO COMPLETE DISCOVERY
AFTER CURRENT DISCOVERY CUT-OFF DATE**

1 discovery at this time, in light of this Court's order, dated July 13, 2010, [Docket 70], except that
2 discovery specifically directed to the determination of fair rental value as claimed in Equilon's cross-
3 claims. Having found good cause therefor,

4 IT IS HEREBY ORDERED that except for the responses to Equilon's Request for Admission
5 no. 27 and Interrogatories nos. 24 and 25, served upon Marilyn Chinivasagam on or about July 12, 2010,
6 and Equilon's Request for Admission no. 11, and Interrogatories nos. 14, 15, and 16, served upon
7 Palamas on or about July 12, 2010, discovery and discovery issues in this action that have been noticed
8 and pending, and/or anticipated between them, including: the depositions of Chinivasagam and Palamas;
9 the depositions of the parties' designated experts, Eve Williams and Yvonne Broszus; Equilon's second
10 set of interrogatories, requests for production, and requests for admission propounded upon
11 Chinivasagam and Palamas; supplemental disclosures; and a motion to compel the production of certain
12 financial information from Chinivasagam and Palamas, are hereby STAYED, pending further Order of
13 this Court. Should any party successfully appeal this Court's Order, dated July 13, 2010, and/or the
14 Court's future order on Equilon's cross-claims, discovery and discovery-related motions regarding the
15 stayed discovery will be re-opened to a date to be set by the Court, upon remand of this action, prior to
16 trial on the merits of their respective claims.

17 Dated: August 10, 2010



18 HON. JAMES WARE
19 United States District Judge