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 6 and Counter-Claimant TIN, Inc. d/b/a Temple-Inland Inc.

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

ROBIN MARSH,)	Case No. CV 10-03430 LHK
)	
Plaintiff,)	JOINT CASE MANAGEMENT
)	STATEMENT AND [PROPOSED]
)	ORDER
vs.)	
)	Date: June 17, 2011
TIN, INC. dba Temple Inland, Inc., a)	Time: 1:30 p.m.
Delaware Corporation, QUALITY)	Place: Courtroom 4
CARRIERS, INC., an Illinois Corporation,)	Judge: Hon. Lucy H. Koh
)	
Defendants.)	
_____)	
AND RELATED CROSS-CLAIMS.)	
_____)	

Plaintiff Robin Marsh (“Plaintiff”), Defendant, Crossclaim-Defendant and Counter-Claimant TIN, Inc. d/b/a Temple-Inland Inc. (“TIN”), and Defendant, Cross-Claimant and Cross-Defendant Quality Carriers, Inc. (“Quality”) submit this Joint Case Management Statement.

1. Mediation / ADR

On May 15, 2011, the parties participated in mediation before Chris Lavdiotis. At this mediation, Plaintiff and Quality were able to reach a settlement in principal. The settlement is contingent upon (1) TIN stipulating to the settlement being in good faith pursuant to California Code of Civil Procedure section 877.6 and dismissing its cross-complaint or (2) this Court finding, pursuant to noticed motion, that the settlement is in good faith pursuant to CCP Sec.

1 877.6 and dismissing TIN's cross-complaint. Quality has filed the good faith motion, which is
2 set for hearing on June 17, 2011 at 1:30 p.m.

3 **2. Discovery**

4 A. Written Discovery: TIN served a set of written discovery on Plaintiff, the responses
5 to which are due May 31, 2011. Plaintiff served a set of written discovery on TIN, responses to
6 which are due June 8, 2011. TIN and Quality also counter-served a set of written discovery on
7 one another, but as a result of the settlement agreement, have agreed to withdraw some or all of
8 said discovery requests.

9 B. TIN Deposition: Plaintiff has noticed the deposition of TIN and three TIN employees.
10 One of the individual depositions is scheduled for June 2, 2011. TIN is working to confirm
11 witness availability in June for the remaining depositions.

12 C. Medical Examination: Defendants arranged a medical examination of Plaintiff by Dr.
13 Curt P. Comstock, and received the physician's initial report on March 23, 2011. Dr. Comstock
14 provided a supplemental report on April 18, 2011. As a result of these reports, as well as
15 testimony provided by Plaintiff at her deposition, TIN believes it may be necessary for Plaintiff
16 to submit to a mental examination. TIN has raised this issue with Plaintiff, and will bring a
17 formal motion promptly, if the issue cannot be resolved consensually. If this mental examination
18 is in fact necessary, the parties may need to extend the expert discovery deadline to accommodate
19 the examination and expert analysis thereof.

20 **3. Request to Continue Expert Disclosure and Discovery Deadlines**

21 The parties and counsel have been working cooperatively together, but request a brief
22 extension of the discovery deadlines to complete the percipient depositions discussed above and,
23 if necessary, the independent mental examination of Plaintiff. Accordingly, the parties request
24 that the Court continue the deadlines for fact discovery, expert disclosures, and expert discovery
25 cutoff by approximately one month past the current deadlines. The new dates would be as
26 follows:

27 Fact Discovery Cutoff: July 13, 2011

28 Designation of Experts: July 29, 2011

1 Expert Discovery Cutoff: September 21, 2011

2 The parties do not anticipate any further need for the extension of any discovery
3 deadlines. In addition, the requested extension would not interfere with, and the parties do not
4 request extension of, the trial, pre-trial conference or dispositive motion hearing dates.

5
6 Dated: June 3, 2011

GLYNN & FINLEY, LLP
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MORGAN K. LOPEZ

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9 By /s/ Adam Friedenber
10 Attorneys for Defendant, Crossclaim-
11 Defendant and Counter-Claimant TIN,
12 Inc. d/b/a Temple-Inland Inc.

13 Dated: June 3, 2011

BOSKOVICH & APPLETON
CHRISTOPHER APPLETON

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15 By /s/ Christopher Appleton
16 Attorneys for Plaintiff
17 Robin Marsh

18 Dated: June 3, 2011

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JACK C. HENNING
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20 By /s/ Jack C. Henning
21 Attorneys for Defendant, Cross-Claimant
22 and Cross-Defendant Quality Carriers,
23 Inc.

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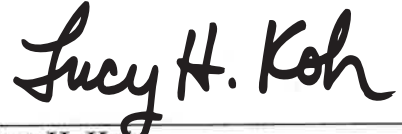
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PROPOSED ORDER

The Court hereby ORDERS:

- 1) The fact discovery cutoff shall be extended to July 13, 2011;
- 2) Designation of experts shall occur on, July 29, 2011;
- 3) The expert discovery cutoff shall be extended to September 21, 2011.

Dated: June 6, 2011



Hon. Lucy H. Koh
United States District Judge