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 18 MODERN HOMES VI, LLC; Defendants,  
 19 Counter-Claimants and Cross- Claimants  
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 Defendant WESSMAN HOLDINGS, LLC

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA

20 BOND SAFEGUARD INSURANCE )	)
21 COMPANY, an Illinois corporation, )	) Case Number: CV 12-4285-LHK
22 Plaintiff, )	) Assigned to the Hon. Lucy H. Koh
23 vs. )	) <b>STIPULATION FOR THIRTY-DAY</b>
24 LEE H. BRANDENBURG, et al., )	) <b>CONTINUANCE OF FACT AND EXPERT</b>
25 Defendant(s). )	) <b>DISCOVERY CUTOFF DEADLINES AND</b>
26 )	) <b>[PROPOSED] ORDER</b>
27 )	)
28 AND RELATED CROSS-CLAIMS )	)
)	)

**STIPULATION AND [PROPOSED] ORDER FOR THIRTY-DAY CONTINUANCE OF FACT AND  
 EXPERT DISCOVERY CUTOFF DEADLINES – CASE NO. CV 12-4285-LHK**

1 By and through their undersigned counsel and subject to approval of the Court, all  
2 parties to this action hereby stipulate to a 30-day continuance of all fact and expert discovery  
3 deadlines in the Court's January 9, 2013 Case Management Order. The parties request the  
4 Court's approval of an additional 30 days to complete discovery for the following reasons:

- 5 • On April 29, 2013, the parties participated in private mediation and believed they had  
6 reached an agreed-upon preliminary approach for resolving one aspect of the case. After  
7 the mediation, the parties determined that the approach was not feasible and they were  
8 unable to finalize a partial resolution;
- 9 • The parties have served written discovery and are continuing to meet and confer to  
10 resolve all certain discovery disputes, including privilege and privacy objections, before  
11 depositions commence and without filing motions to compel;
- 12 • Counsel from four different law offices, including two sole practitioners, representing  
13 four different client groups have been trying to coordinate fourteen party and non-party  
14 depositions in Palm Springs and Orange County. They have encountered delays due to  
15 scheduling conflicts, summer vacations, issues over the production of documents needed  
16 for the depositions, and the availability of witnesses some of whom are high-level  
17 municipal officials and practicing attorneys who have previously represented their clients  
18 with regard to issues involved in this proceeding.
- 19 • Additionally, counsel for at least one of the defendants was engaged in trial and had  
20 personal issues which affected that attorney's availability to meet and confer regarding  
21 outstanding discovery issues; and
- 22 • This is the first request for a continuance of any deadline in the Case Management Order.  
23 The parties do not seek a continuance of any other deadlines set by the Court, and they  
24 believe at this time that the Court's other deadlines for dispositive motions (last day to  
25 file and serve is November 14, 2013) and trial (March 3, 2014) will not be affected.  
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27  
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1 Based upon this Stipulation and the foregoing, the parties respectfully ask the Court to  
2 continue the fact and expert discovery deadlines by 30 days as follows:

3 Event	Current Date	Proposed Continued Date
4 Fact Discovery Cutoff	September 19, 2013	October 19, 2013
5 Last Day to Exchange Expert 6 Witness Reports	October 3, 2013	November 2, 2013
7 Last Day to Exchange Expert 8 Witness Rebuttal Reports	October 17, 2013	November 16, 2013
Expert Witness Discovery Cutoff	October 31, 2013	November 30, 2013

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11 SO STIPULATED.

12  
13 Dated: August 7, 2013

ANDERSON McPHARLIN & CONNERS, LLP

14  
15 By: \_\_\_\_\_ /s/  
16 Mark E. Aronson  
17 Attorneys for Plaintiff and Counter-Defendant  
BOND SAFEGUARD INSURANCE  
COMPANY, an Illinois corporation

18 Dated: August 7, 2013

BUCHALTER NEMER

19  
20 By: \_\_\_\_\_ /s/  
21 James B. Wright  
22 Kalley R. Aman  
23 Attorneys for Defendants, Counter Claimants and  
24 Cross-Claimants LEE H. BRANDENBURG, as  
25 an individual and as Trustee of the Brandenburg  
26 Revocable Trust dated September 19, 1993;  
27 DIANE M. BRANDENBURG, as an individual  
28 and as Trustee of the Brandenburg Revocable  
Trust dated September 19, 1993

STIPULATION AND ~~PROPOSED~~ ORDER FOR THIRTY-DAY CONTINUANCE OF FACT AND  
EXPERT DISCOVERY CUTOFF DEADLINES - CASE NO. CV 12-4285-LHK

1 Dated: August 7, 2013

2 By: \_\_\_\_\_ /s/  
3 Ernest Orlando Vincent, Esq.  
4 Attorney for for Defendant, Cross-Claimant, and  
5 Counter-Claimant PALM SPRINGS MODERN  
6 HOMES VI, LLC; Defendants, Counter-  
7 Claimants and Cross- Claimants ANDREA C.  
8 CUNNINGHAM, and DENNIS A.  
9 CUNNINGHAM

10 Dated: August 7, 2013

LAW OFFICES OF STEVEN J. HASSING

11 By: \_\_\_\_\_ /s/  
12 Steven J. Hassing  
13 Attorney for Defendant, Cross-Defendant, Cross-  
14 Claimant and Counter-Claimant CITY OF PALM  
15 SPRINGS; Defendant and Cross-Defendant  
16 WESSMAN HOLDINGS, LLC  
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~~PROPOSED~~ ORDER

The above STIPULATION FOR THIRTY-DAY CONTINUANCE OF FACT AND EXPERT DISCOVERY DEADLINES is approved. The parties are advised that this Order does not alter the parties' November 14, 2013 deadline to file dispositive motions or any other deadline not specified in the stipulation.

IT IS SO ORDERED.

Dated: August 9, 2013

  
\_\_\_\_\_  
Lucy H. Koh  
United States District Court