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12 Attorneys for Third-Party Defendant  
 13 CUSHMAN & WAKEFIELD OF CALIFORNIA, INC.

14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN JOSE DIVISION**

17 **UNIVERSAL GREEN SOLUTIONS, LLC,**  
 18 **a California limited liability company,**

19 Plaintiff,

20 v.

21 **VII PAC SHORES INVESTORS, LLC, a**  
 22 **Delaware limited liability company; and**  
 23 **DOES 1 to 20, inclusive,**

24 Defendants.

25 **VII PAC SHORES INVESTORS, LLC, a**  
 26 **Delaware limited liability company,**

27 Cross-Complainant,

28 v.

**CUSHMAN & WAKEFIELD OF**  
**CALIFORNIA, INC., a California**  
**corporation; and ROES 1 through 20,**  
**inclusive**

Cross-Defendants.

Civil Action No.: CV12-05613 RMW

**STIPULATION EXTENDING TRIAL AND**  
**OTHER DATES AND ~~PROPOSED~~**  
**ORDER THEREON**

[Filed concurrently with Declaration of  
 Holiday D. Powell]

[L.R. 6-1, 6-2, and 7-12]

Judge: Hon. Ronald M. Whyte  
 Ctrm: 6

Trial: January 21, 2014

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1 TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:  
2 Plaintiff Universal Green Solutions, LLC (“Universal”), Defendant/Third-Party Plaintiff  
3 VII Pac Shores Investors, LLC (“Pac Shores”) and Third-Party Defendant Cushman &  
4 Wakefield of California, Inc. (“Cushman & Wakefield”), through their attorneys, stipulate and  
5 agree as follows:

6 1. Universal filed this action against Pac Shores and Does 1 to 20 on November 1,  
7 2012;

8 2. At that time, the matter was assigned to Magistrate Judge Paul S. Grewal and an  
9 Order Setting Initial Case Management Conference and ADR Deadlines was issued;

10 3. On January 30, 2013, all matters before Magistrate Judge Grewal were vacated and  
11 this action was reassigned to the Honorable Ronald M. Whyte;

12 4. On April 5, 2013, the Court held a Case Management Conference and set the  
13 following dates:

- 14 a. Jury Trial: January 21, 2014 at 1:30 p.m.;
- 15 b. Pretrial Conference: January 9, 2014 at 2:00 p.m.;
- 16 c. Deadline for Hearing on Dispositive Motions: November 22, 2013 at 9:00 a.m.;
- 17 d. Fact and Expert Discovery Cut-Off: October 18, 2013;

18 5. On August 23, 2013, Pac Shores filed and served a Motion for Leave to File Third-  
19 Party Complaint, which was granted by the Court on September 18, 2013;

20 6. On September 12, 2013, the Court continued the Fact and Expert Discovery Cut-Off  
21 to November 15, 2013 and the Deadline for Hearing on Dispositive Motions to December 20,  
22 2013 at 9:00 a.m.;

23 7. Pac Shores filed and served its unverified Third-Party Complaint For Express  
24 Contractual Indemnity And Declaratory Relief on Cushman & Wakefield on October 1, 2013;

25 8. Cushman & Wakefield was not previously named as a party in this action;

26 9. Cushman & Wakefield filed and served its Answer To VII Pac Shores Investors,  
27 LLC’s Unverified Third-Party Complaint For Express Contractual Indemnity And Declaratory  
28 Relief; And Demand For Jury Trial on October 21, 2013;

1           10. Per the stipulation of the parties, Cushman & Wakefield's deadline to serve its  
2 Initial Disclosure Statement in this action is November 14, 2013;

3           11. Having just recently appeared in this action, Cushman & Wakefield has not had an  
4 opportunity to investigate or conduct discovery regarding the basis of Pac Shores' allegations  
5 and/or the incident(s) giving rise to this action;

6           12. Having just recently appeared in this action, Cushman & Wakefield will be unable  
7 to complete fact and expert discovery prior to the November 15, 2013 cut-off, file dispositive  
8 motions by the December 20, 2013 deadline, and prepare for the trial set for January 21, 2014;

9           13. Specifically, Cushman & Wakefield needs an opportunity to conduct written  
10 discovery and depose the other parties to this action, and depending on the outcome of its initial  
11 investigation and discovery, may need to issue subpoenas and notice depositions of third party  
12 witnesses;

13           14. Cushman & Wakefield needs an opportunity to complete the aforementioned  
14 discovery and file dispositive motions in advance of trial;

15           15. If it is otherwise unable to resolve this matter through law & motion practice or  
16 ADR, Cushman & Wakefield needs an opportunity to properly prepare for trial;

17           16. Universal and Pac Shores estimate that in addition to written discovery, they have  
18 approximately ten (10) depositions to complete;

19           17. To enable the parties to complete the aforementioned objectives and in  
20 consideration of their counsels' respective trial conflicts, they agree that the trial date should be  
21 continued to June 10, 2014 or thereafter;

22           18. The parties agree that all discovery and law & motion cut-offs and deadlines should  
23 be vacated and that new discovery and law & motion cut-offs and deadlines should be set in  
24 accordance with the new trial date;

25           19. The parties agree there is good cause to continue the January 21, 2014 trial date and  
26 corresponding discovery and law & motion cut-offs and deadlines;

27           20. The parties agree that the brief extension will not cause undue delay;  
28

1 21. A trial date in June 2014 would be less than eight (8) months from the date  
2 Cushman & Wakefield appeared in this action;

3 22. The parties agree that the brief extension will not prejudice Universal or Pac Shores;  
4 and

5 23. The parties agree that Cushman & Wakefield will be unduly prejudiced if the Court  
6 does *not* grant the brief extension requested by the parties;

7 THEREFORE, IT IS HEREBY STIPULATED and agreed by and between Universal,  
8 Pac Shores and Cushman & Wakefield, by and through their respective attorneys of record, that  
9 the January 21, 2014 trial date shall be extended to June 10, 2014 or a date thereafter that  
10 comports with the Court's schedule.

11 IT IS FURTHER STIPULATED and agreed by and between the parties that the Pretrial  
12 Conference scheduled for January 9, 2014 shall be extended to May 29, 2014 or a date  
13 thereafter that comports with the Court's schedule.

14 IT IS FURTHER STIPULATED and agreed by and between the parties that the  
15 December 20, 2013 Deadline for Hearing on Dispositive Motions shall be extended to May 16,  
16 2014 or a date thereafter that comports with the Court's schedule.

17 IT IS FURTHER STIPULATED and agreed by and between the parties that the Fact and  
18 Expert Discovery Cut-Off of November 15, 2013 shall be extended to April 11, 2014 or a date  
19 thereafter that comports with the Court's schedule.

20 IT IS SO STIPULATED.

21 Dated: <sup>Nov</sup>~~October~~ 1, 2013

VENARDI ZURADA LLP

22  
23  
24 By:   
25 Mark Lain Venardi, Esq.  
26 Martin Zurada, Esq.  
27 Attorneys for Plaintiff,  
28 UNIVERSAL GREEN SOLUTIONS, LLC

1 Dated: <sup>Nov</sup> October 1, 2013

BERGQUIST WOOD MCINTOSH SETO LLP

2  
3  
4 By:   
5 Stephen Chew Seto, Esq.  
6 Bruce A. McIntosh, Esq.  
7 Attorneys for Defendant and Third-Party  
8 Plaintiff,  
9 VII PAC SHORES INVESTORS, LLC

10 Dated: <sup>November 1</sup> ~~October~~ \_\_\_\_, 2013

MORRIS POLICH & PURDY LLP

11  
12 By:   
13 Elizabeth A. England  
14 Timothy M. Flaherty  
15 Holiday D. Powell  
16 Attorneys for Third-Party Defendant  
17 CUSHMAN & WAKEFIELD OF  
18 CALIFORNIA, INC.

19 **PROPOSED ORDER**

20 GOOD CAUSE APPEARING THEREFORE, and the parties having stipulated thereto,  
21 IT IS HEREBY ORDERED as follows:

- 22 1. The trial scheduled for January 21, 2014 shall be extended to \_\_\_\_\_.
- 23 2. The Pretrial Conference scheduled for January 9, 2014 shall be extended to  
24 \_\_\_\_\_.
- 25 3. The Deadline for Hearing on Dispositive Motions scheduled for December 20, 2013  
26 shall be extended to \_\_\_\_\_.
- 27 4. The Fact and Expert Discovery Cut-Off scheduled for November 15, 2013 shall be  
28 extended to \_\_\_\_\_.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

  
HONORABLE RONALD M. WHYTE  
Judge of the District Court for the Northern  
District of California