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Attorneys for Defendants Domtar Corporation and Polsinelli PC

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

17 KELLY BREZOCZKY, an individual,  
 18 Plaintiff,  
 19 v.  
 20 DOMTAR CORPORATION, a Delaware  
 21 corporation; and POLSINELLI PC, a Missouri  
 22 professional corporation,  
 23 Defendants.

Case No. 5:16-CV-4995-EJD

**THIRD STIPULATION & [PROPOSED]  
 ORDER TO EXTEND DISPOSITIVE  
 MOTION DEADLINES IN PRETRIAL  
 ORDER (JURY)**

Judge: Hon. Edward J. Davila  
 Courtroom 4, Fifth Floor

24 PLAINTIFF KELLY BREZOCZKY (“Plaintiff”) and DEFENDANT POLSINELLI PC  
 25 (“Polsinelli”), pursuant to Local Rules 6-2 and 7-12, jointly submit this stipulation asking the Court to  
 26 briefly extend the deadline for filing dispositive motions to be filed by either Plaintiff or Polsinelli  
 27 regarding Plaintiff’s claims against Polsinelli. The proposed date below would not impact any other  
 28 deadlines as described below.

1 **RECITALS**

2 WHEREAS, the Court entered its Order to Extend Dispositive Motion Deadlines in Pretrial  
3 Order on October 17, 2017 (ECF No. 60), setting an **October 20, 2017** deadline to file dispositive  
4 motions as to Plaintiff's claims against Polsinelli;

5 WHEREAS, a hearing on dispositive motions is scheduled for December 7, 2017, and the case  
6 is set for trial commencing January 23, 2018;

7 WHEREAS, the dispositive motion deadline in this case has been extended twice, once for only  
8 two business days because a court reporting agency failed to appear at a previously scheduled  
9 deposition, requiring the deposition to be rescheduled, and a second time, also for only two business  
10 days, to permit the parties to continue negotiating a settlement of Plaintiff's claims against Polsinelli;

11 WHEREAS, Plaintiff and Polsinelli continue to make progress in settlement discussions, and  
12 Plaintiff and Polsinelli are presently engaged in finalizing settlement documents in a mutual effort to  
13 achieve a final settlement agreement;

14 WHEREAS, Plaintiff and Polsinelli would like to pursue completion of a written settlement  
15 agreement, but at the same time, do not want to allow the dispositive motion deadline to expire prior to  
16 the execution of a settlement agreement;

17 WHEREAS, an additional brief extension of the dispositive motion deadline as to Plaintiff's  
18 claims against Polsinelli will allow them to focus on completing a settlement agreement executed by  
19 Polsinelli and Plaintiff;

20 WHEREAS, there is good cause for extending the deadline for filing dispositive motions for  
21 Plaintiff and Polsinelli as it relates to Plaintiff's claims against Polsinelli;

22 WHEREAS, extending this deadline would not prejudice any party;

23 WHEREAS, extending the deadline for filing dispositive motions as to Plaintiff's claims  
24 against Polsinelli would not affect any other dates in the Amended Pretrial Order, including the  
25 deadline for filing dispositive motions as to Plaintiff's claims against Domtar, in the event the Court  
26 accepts the proposed date below.

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**STIPULATION**

IT IS HEREBY STIPULATED by the parties that the deadlines for the parties to file dispositive motions as to Plaintiff's claims against Polsinelli PC should be extended to **October 24, 2017**.

Dated: October 20, 2017

LEONARDMEYER LLP

By: /s/ Derek J. Meyer (with consent)  
Derek J. Meyer  
Attorneys for Plaintiff

Dated: October 20, 2017

POLSINELLI PC

By: /s/ Noel S. Cohen  
Noel S. Cohen  
Attorneys for Defendants

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: October 23, 2017

  
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Hon. Edward J. Davila  
United States District Judge

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**DECLARATION OF NOEL S. COHEN**

I, Noel S. Cohen, declare and state as follows:

1. I am an attorney duly licensed to practice law before all courts in the State of California, including the United States District Court for the Central District of California. I am one of the attorneys of record for Defendants in the above-captioned matter.

2. I have personal knowledge of the facts set forth herein and if called as a witness, I could and would testify competently as to those facts.

3. The Court entered its Order to Extend Dispositive Motion Deadlines in Pretrial Order on October 17, 2017 (ECF No. 60), setting an **October 20, 2017** deadline to file dispositive motions as to Plaintiff's claims against Polsinelli.

4. A hearing on dispositive motions is scheduled for December 7, 2017, and the case is set for trial commencing January 23, 2018.

5. The dispositive motion deadline in this case has been extended twice, once for only two business days because a court reporting agency failed to appear at a previously scheduled deposition, requiring the deposition to be rescheduled, and a second time, also for only two business days, to permit the parties to continue negotiating a settlement of Plaintiff's claims against Polsinelli.

6. Plaintiff and Polsinelli continue to make progress in settlement discussions, and Plaintiff and Polsinelli are presently engaged in finalizing settlement documents in a mutual effort to achieve a final settlement agreement.

7. Plaintiff and Polsinelli would like to pursue completion of a written settlement agreement, but at the same time, do not want to allow the dispositive motion deadline to expire prior to the execution of a settlement agreement.

8. The parties believe that briefly extending the deadline for filing dispositive motions as to Plaintiff's claims against Polsinelli will allow them sufficient time to conclude drafting and execute a final settlement agreement as to Plaintiff's claims against Polsinelli.

9. There is good cause for an extension of the dispositive motion deadline.

10. Extending this deadline would prejudice no party.



1 **CERTIFICATE OF SERVICE**

2 I am over the age of 18 and not a party to the within action; I am employed by POLSINELLI  
3 LLP in the County of Los Angeles, California at 2049 Century Park East, Suite 2900, Los Angeles,  
4 California 90067.

5 On October 20, 2017, I served the foregoing document(s) described as:

6 **THIRD STIPULATION & [PROPOSED] ORDER TO EXTEND DISPOSITIVE MOTION**  
7 **DEADLINES IN PRETRIAL ORDER (JURY)**

8 on the interested parties in this action by:

9 [X] **By CM/ECF:** I hereby certify that on this date, I electronically filed the foregoing with the  
10 Clerk of the Court using the CM/ECF system which will send notification of such filing to the email  
11 addresses denoted on the Electronic Mail notice list, and I hereby certify that I have mailed the  
12 foregoing document or paper via the United States Postal Service to the non-CM/ECF participants (if  
13 any) indicated on the Manual Notice list/Service List.

14 [X] **(Federal)** I declare under penalty of perjury under the laws of the State of California and under  
15 the laws of the United States of America that the above is true and correct.

16 Executed on October 20, 2017, at Los Angeles, California.

17 /s/ Noel S. Cohen

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Noel S. Cohen