

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00137-CMA-MJW

FEDERAL DEPOSIT INSURANCE CORPORATION
AS RECEIVER FOR UNITED WESTERN BANK,

Plaintiff,

v.

CHARLES J. BERLING,
JAMES H. BULLOCK,
ANTHONY C. CODORI,
BERNARD C. DARRÉ,
GARY G. PETAK,
WILLIAM D. SNIDER,
CINDY J. STERETT,
JOHN S. UMBAUGH, and
SCOT T. WETZEL,

Defendants.

AMENDMENT TO CIVIL SCHEDULING ORDER (Docket No 51)

On April 24, 2014, Chief U.S. Magistrate Judge Michael J. Watanabe entered the Civil Scheduling Order in this case [DOC 31] (the "Scheduling Order"). The Scheduling Order at Paragraph 13 provides that it "may be altered or amended only upon a showing of good cause." Good cause having been shown, the Honorable Magistrate Judge Michael J. ^{WATANABE} ~~Watanabe~~ hereby ^{grants the subject motion (Docket No 51) and} enters the following Amendment to Civil Scheduling Order (the "Amendment"). Except to the extent set forth below, the Scheduling Order, which is incorporated herein by reference, shall remain in full force and effect.

1. COUNSEL AND PRO SE PARTIES

As of the date of this Amendment, counsel for the parties are as follows:

For the Plaintiff, Federal Deposit Insurance Corporation:

Paul H. Schwartz
SHOEMAKER GHISELLI + SCHWARTZ LLC
1811 Pearl Street
Boulder, CO 80302
Telephone: (303) 530-3452

Kathleen M. Balderston
NIXON PEABODY LLP
437 Madison Avenue
New York, NY 10022-7039
Telephone: (212)940-3041

For the Defendants

Ryan T. Scarborough
Jefferey D. Bailey
WILLIAMS & CONNOLLY LLP
725 Twelfth St., N.W.
Washington, D.C. 20005
Telephone: (202)434-5000

Peter A. Wald*
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: 415.391.0600

Matthew Rawlinson*
LATHAM & WATKINS LLP
140 Scott Drive
Menlo Park, CA 94025
Telephone: (650) 463-3076

Phillip A. Parrott
CAMPBELL KILLIN BRITTAN & RAY, LLC
270 St. Paul Street, Suite 200
Denver, CO 80206
Tel: 303.394.7202

*(*Note: It is expected that Messrs. Wald and Rawlinson will move to withdraw)*

9. CASE PLAN AND SCHEDULE

- a. Deadline for Joinder of Parties and Amendment of Pleadings: **January 16, 2015** (was November 14, 2014)
- b. Deadline for service of Interrogatories: 45 days before fact discovery cut-off.
- c. Deadline for service of Requests for Production of Documents and/or Admissions: 45 days before fact discovery cut off.
- d. Discovery Cut-off: **June 30, 2015** (was April 30, 2015)
- e. Expert Witness Disclosure
 - 1. The anticipated fields of expert testimony have not been finally determined by the parties; however, Plaintiff anticipates using one or more experts on standard of care in the banking industry and damages. Defendants anticipate using one or more experts on the standard of care in the banking industry, causation and damages.
 - 2. Four experts per side without leave of court.
 - 3. The parties shall designate all experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before **April 3, 2015** (was February 2, 2015).
 - 4. The parties shall designate all rebuttal experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before **June 4, 2015** (was March 2, 2015).

Notwithstanding the provisions of Fed. R. Civ. P. 26(a)(2)(B), no exception to the requirements of the Rule will be allowed by stipulation unless the stipulation is in writing and approved by the Court.

- f. Dispositive Motion Deadline: **July 31, 2015**.(was June 1, 2015)
- g. The deposition schedule has not been determined; however, the parties have agreed that due notice of intended depositions will be given to all other parties. All depositions, including experts, shall be completed by **June 30, 2015** (was April 30, 2015).

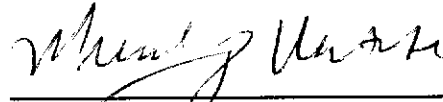
The Parties shall comply with the notice and scheduling requirements set forth in Local Rule 30.1.

10. DATES FOR FURTHER CONFERENCES

- c. The final pretrial conference will be held in this case on September 14, 2015 at 9:00 A.M.
(The parties request that the Court set the final pretrial conference for the first available date on or after September 4, 2015.) A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than seven (7) days before the final pretrial conference.

DATED at Denver, Colorado, this 6th day of November, 2014.

BY THE COURT:



United States Magistrate Judge

MICHAEL J. WATANABE

APPROVED:

<p>By: <u>s/Kathleen M. Balderston</u> Kathleen M. Balderston NIXON PEABODY LLP 437 Madison Avenue New York, NY 10022-7039 Telephone: (212)940-3041 Facsimile: 866-204-3041 Email: kbalderston@nixonpeabody.com</p>	<p>By: <u>s/Ryan T. Scarborough</u> Ryan T. Scarborough Jefferey D. Bailey WILLIAMS & CONNOLLY LLP 725 Twelfth St., N.W. Washington, D.C. 20005 Telephone: (202)434-5000 Facsimile: (202)434-5029 Email: rscarborough@wc.com jbailey@wc.com</p>
<p>By: <u>s/ Paul H. Schwartz</u> Paul H. Schwartz SHOEMAKER GHISELLI + SCHWARTZ LLC 1811 Pearl Street Boulder, CO 80302 Telephone: (303) 530-3452 FAX: (303) 530-4071 Email: pschwartz@sgslitigation.com</p> <p>Attorneys for Plaintiff Federal Deposit Insurance Corporation as Receiver for United Western Bank</p>	<p>By: <u>s/ Phillip A. Parrott</u> Phillip A. Parrott Campbell Killin Brittan & Ray, LLC 270 St. Paul Street, Suite 200 Denver, CO 80206 Telephone: (303) 394-7202 Email: pparrott@ckbrlaw.com</p> <p>Attorneys for Defendants</p>