

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STATE FINANCIAL BANK)	
)	
Plaintiff,)	
)	
v.)	Case No. 05 C 2674
)	
RETAIL STRATEGIES INTERNATIONAL,)	
INC., RICHARD H. DONCKERS,)	
H. COLLINS HAYNES,)	
CARLOS RODRIGUEZ,)	
PAUL K. POPE and DAVID M. MONTOYA)	
)	
Defendants.)	

**MOTION FOR EXTENSION OF TIME FOR FACT DISCOVERY
AND DISCLOSURE OF PLAINTIFF'S EXPERT**

Plaintiff, State Financial Bank ("SFB"), by its attorneys, hereby moves for an extension for the close of fact discovery and disclosure of plaintiff's expert for 31 days until March 1, 2006.

In support of this Motion, SFB states as follows:

DISCOVERY HISTORY

1. This action is, *inter alia*, to enforce a guarantee for equipment leased to a failed supermarket chain. Three of the five defendants have filed bankruptcy and a fourth has suggested that a bankruptcy filing is forthcoming. The fifth defendant, Haynes, is also a guarantor of the lease.

2. By order dated July 28, 2005, this Court set the following discovery schedule:

Close of fact discovery:	12/31/05
Plaintiff to disclose its expert:	12/31/05
Defendants to depose plaintiff's expert:	1/31/06
Defendants to disclose their expert:	2/28/06

Plaintiff to depose defendants' experts:	3/31/06
Summary Judgment briefs to be filed by:	4/30/06

3. In mid-December, 2005, Plaintiff took the deposition of Mr. Haynes and issued more than a dozen subpoenas to companies listed on a personal financial statement issued by Haynes in 2003. Based on the deposition testimony of Mr. Haynes, Plaintiff intends to take the depositions of one or more of Haynes' employees who have knowledge of assets listed on the 2003 personal financial statement and who assisted in the preparation of such statement.

**PRIOR AGREED ORDER
EXTENDING DISCOVERY DEADLINES**

4. On December 30, 2005, SFB and Haynes submitted an Agreed Motion for Extension of Fact Discovery Cutoff ("Agreed Motion"), seeking an extension of the discovery cutoff until January 31, 2006 to allow Haynes to produce additional documents and to allow SFB to take the depositions of one or more of Haynes' employees. This motion was granted by the Court on January 5, 2006.

5. During the month of January, 2006, the parties have conducted extensive settlement negotiations and exchanged draft forms of settlement documents that are being reviewed by the principals. While the parties have agreed upon a number of critical elements, settlement depends on resolution of several additional issues that are being discussed in good faith. The parties believe that the negotiation and drafting of a final settlement will take an additional two to four weeks.

6. On January 26, 2006, this Court set a status hearing on settlement for February 14, 2006.

BASIS FOR EXTENSION

7. SFB believes that it is more productive to pursue settlement instead of discovery and therefore requests an extension of time, to and including March 1, 2006 within which to conclude fact discovery and for SFB to disclose its experts.

8. SFB also requests additional time for Haynes to depose the expert(s) SFB names and for additional time for Haynes' disclosure of his own expert witnesses.

WHEREFORE, SFB respectfully requests that this Court to amend the discovery schedule to the following:

A. Extend the close of fact discovery and disclosure of plaintiff's expert for 29 days in this matter until March 1, 2006;

B. Extend the time for Haynes' deposition of plaintiff's expert for 30 days from its previously-set due date;

C. Extend the time for Haynes' disclosure of his expert witnesses for 30 days from its previously-set date.

Respectfully submitted,

STATE FINANCIAL BANK

By: s/Leah Wardak
One of Its Attorneys

Robert J. Labate
Jonathan Strouse
Leah Wardak
HOLLAND & KNIGHT LLP
131 S. Dearborn Street, 30th Floor
Chicago, Illinois 60603
(312)263-3600

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CERTIFICATE OF SERVICE

The undersigned certifies that on January 31, 2006, she caused the foregoing present **Agreed Motion For Extension Of Time For Fact Discovery And Disclosure Of Plaintiff's Expert** to be filed electronically through the CM/ECF system upon the following counsel of record:

Thomas M. Crisham
David John Sullivan
Crisham & Kubes, Ltd.
30 North LaSalle Street, Suite 2800
Chicago, IL 60602

Donald B. Levine
Brian D. LeVay
Latimer LeVay Jurasek LLC
55 West Monroe Street
Suite 1100
Chicago, IL 60603

s/Leah Wardak