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ORIGINAL FILED
OCT 11 2012
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

EAST DISTRICT

CALMAT CO. dba VULCAN MATERIALS COMPANY, WESTERN DIVISION, a Delaware corporation, Plaintiff, vs. SAN GABRIEL VALLEY GUN CLUB, a non-profit California corporation; and DOES 1-1000, inclusive, Defendants.	CASE NO: KC062582 **STIPULATION RE: CONTINUANCE OF TRIAL DATE; [~~PROPOSED~~] ORDER** *Hon. R. Bruce Minto, presiding* *(Matter Reassigned from Hon. Dan T. Oki)*

The parties to this action, through their respective counsel, hereby stipulate and agree to the following.

AVERMENTS

WHEREAS, in the Order of this Court dated July 31, 2012, the Court stated it "will honor a stipulation to continue the trial up to 120 days, i. e. to the date requested of March 4, 2013, or up to 30 days after that . . . " if such stipulation meets the following conditions:

1. The stipulation must set out the specific date for trial that all counsel are willing to be bound by. Do not agree to a date without checking with experts, parties, and witnesses, as the date will be binding. Trials are only set on the first day of the week at 830 am. The stipulation should also set a new FSC date 10 to 14 days before the trial. FSCs are set Monday through Thursday at 8:30 a.m. March 4, 2013 is an acceptable date for trial.

2. Discovery, discovery motion, and summary judgment/adjudication motion cut-offs are extended only as provided in the stipulation.

3. All parties and counsel must agree to participate in a private mediation with a mutually acceptable mediator some time before the new FSC date. If it has not already taken place, the private mediation may be in addition to or in lieu of the previously ordered panel mediation.

WHEREAS, the parties believe that complying with the current trial date and related deadline for filing summary judgment/adjudication briefs (August 9, 2012) will prejudice both of the parties;

WHEREAS, the parties believe resolution of currently outstanding discovery requests may provide information that is relevant to summary judgment/adjudication briefing and settlement discussions, but that such resolution likely will not occur before August 9, 2012;

WHEREAS, the parties believe they can avoid the abovementioned prejudice if the trial in this matter is continued from December 4, 2012, to March 4, 2013, as such continuance should allow the resolution of pending discovery matters so that any evidence or information obtained from such discovery can be fully utilized in dispositive briefing or settlement discussions; and

WHEREAS, the parties intended to comply with the proposed stipulation outlined in the Court's Order of July 31, 2012, as stated below.

STIPULATION

THEREFORE, based on the foregoing facts, the parties hereby stipulate as follows.

1. Trial will be continued from December 4, 2012, to March 4, 2013, at 8:30 a.m. The Final Status Conference will be continued from November 26, 2012, to February 19, 2013, at 8:30 a.m.

2. All discovery, motions for summary judgment/adjudication, and discovery motion deadlines calculated from the date of trial will be extended the same length of time as the trial continuance granted by the Court in response to this Stipulation.

///

3. The parties agree to participate in a private mediation with a mutually acceptable mediator some time before February 19, 2013.

Dated: August 1, 2012

MICHEL & ASSOCIATES, P.C.

Scott M. Franklin
Attorneys for Defendant San Gabriel Valley Gun Club

Dated: August 1, 2012

JEFFER MANGELS BUTLER & MITCHELL LLP

Elizabeth A. Culley
Attorney for Plaintiff CalMat Co. dba Vulcan Materials Company, Western Division

[PROPOSED] ORDER

Based on the stipulation of the parties, and good cause having been shown, the ORDER of this Court is as follows.

1. Trial is continued from December 4, 2012, to March 4, 2013, at 8:30 a.m.
2. All discovery, motion for summary judgment/adjudication, and discovery motion deadlines calculated from the date of trial are extended the same length of time as the trial continuance granted hereby, in accord with the terms of the parties' stipulation.
3. The Final Status Conference is continued from November 26, 2012, to February 19, 2013, at 8:30 a.m.
4. The parties will participate in a private mediation with a mutually acceptable mediator before February 19, 2013.

IT IS SO ORDERED.

Date: OCT 1 1 2012

R. BRUCE MINTO

Hon. R. Bruce Minto
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Christina Sanchez, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 E. Ocean Boulevard, Suite 200, Long Beach, California 90802.

On August 1, 2012, I served the foregoing document(s) described as

STIPULATION RE: CONTINUANCE OF TRIAL DATE; [PROPOSED] ORDER

on the interested parties in this action by placing
[ ] the original
[X] a true and correct copy
thereof enclosed in sealed envelope(s) addressed as follows:

Kenneth A. Ehrlich
Elizabeth A. Culley
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.
Executed on August 1, 2012, at Long Beach, California.

__ (VIA OVERNIGHT MAIL As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt on the same day in the ordinary course of business. Such envelope was sealed and placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance with ordinary business practices.
Executed on July 17, 2012, at Long Beach, California.

__ (PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.
Executed on August 1, 2012, at Long Beach, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

__ (FEDERAL) I declare that I am employed in the office of the member of the bar of this court at whose direction the service was made.

Christina Sanchez
CHRISTINA SANCHEZ

MICHEL & ASSOCIATES, P.C.

007922

Los Angeles Superior Court 8/1/2012

Client Costs:Filing Fees LASC: 07/30/12 Fee to file Stip re continuance of trial 20.00

1 Checking WF - 713 20.00

LASC - POMONA
POMONA COURTS
POMONA CA 91766

DATE PAID: 08/02/12 04:32 PM
RECEIPT #: POM408007031

CIT/CASE: KC062585
LEA/DEF#:

PAYMENT: $20.00, 310
RECEIVED:
CHECK: $20.00
CASH: $0.00
CHANGE: $0.00
CARD: $0.00

FIRM: MICHEL & ASSOCIATES, P.C.
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Long Beach 562-595-1337
Torrance 310-316-1256
Fax 562-595-6294

DATE	SECRETARY	ATTORNEY	ATTORNEY FILE #
8/2/12	Christina	SMF	1067344

DO TODAY _____ **RETURN TODAY** _____

Mark X for special assignment(s). RUSH CHARGES APPLY

PLAINTIFF: Calmat Co.
VS.
DEFENDANT: SGVGC

COURT: LASC
JUDICIAL DIST: East
CITY: Pomona
CASE #: KC062582

APPROVED DIRECT BILLING:
CARRIER NAME:
ADDRESS:
CITY, STATE, & ZIP:

ADJUSTER:
INSURED:
CLAIM NUMBER:
DATE OF LOSS:

LIST ALL DOCUMENTS: HEARING DATE _____ FEES PAID/ DATE _____ FEES ATTACHED X

1. Stip Re: Continuance of Trial
2. Notice of Ruling Re Ex Parte

INSTRUCTIONS: **FILE BY** _____ **SERVE BY** _____

DEPT. _____ CLERK _____

IMPORTANT	✓
FILE	X
SERVE	
DELIVER	
COPY	
OTHER	

☐ RESIDENCE

☐ BUSINESS

MALE ____ FEMALE ____ RACE _____ AGE ____ HT _____ WT _____ HAIR _____

OFFICE USE	
COURT	
PROCESS	
DELIVERY	
RETURN	
ADV FEE	
ADV CHG	
TIME	
G/S	
TOTAL	

SPECIAL ASSIGNMENT #

ORIGINAL SUBMIT	2nd SUBMIT
DATE _____ RUNNER _____	DATE _____ RUNNER _____
OKAY ☐	OKAY ☐
BACK TO COURT ☐ REJECTED ☐	BACK TO COURT ☐ REJECTED ☐

2012 AUG -2 AM 11:51

NO CONFORM	SHERIFF	COURTESY	DROP C/W	DROP DP	RCV C/W	RCV DP	FILE C/W	FILE DP	ATTY CK	OUR CK	CASH