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5 Attorneys for Defendants Sidney B. Dunmore,  
an individual and Sidney B. Dunmore, Trustee  
6 for Sid Dunmore Trust Dated February 28,  
2003  
7

8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10 **SACRAMENTO DIVISION**

11 TRAVELERS CASUALTY AND SURETY  
12 COMPANY OF AMERICA, a Connecticut  
corporation,

13 Plaintiff,

14 vs.

15 SIDNEY B. DUNMORE, an individual; SID  
16 DUNMORE TRUST DATED FEBRUARY 28,  
2003, a California trust; SIDNEY B.  
17 DUNMORE, Trustee for Sid Dunmore Trust  
Dated February 28, 2003; DHI  
18 DEVELOPMENT, a California corporation,

19 Defendants.  
20

Case No. 2:07-CV-02493-LKK-DAD

[Assigned to the Honorable Lawrence K.  
Karlton]

**STIPULATION TO VACATE ALL  
DATES SET FORTH IN THE  
SCHEDULING ORDER ISSUED BY  
THIS COURT ORDER THEREON**

21  
22 Defendants Sidney B. Dunmore, an individual and Sidney B. Dunmore, Trustee for Sid  
23 Dunmore Trust Dated February 28, 2003 (collectively, "Defendants"), through their counsel of  
24 record, on the one hand, and Plaintiff Travelers Casualty and Surety Company of America, a  
25 Connecticut corporation ("Plaintiff"), through its counsel of record, on the other hand, hereby  
26 stipulate as follows:  
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1 21 claims currently being litigated by Plaintiff, as provided by Plaintiff's counsel. Also, Plaintiff  
2 contends that it presently has claims on three (3) performance bonds from the public entities.  
3 One of the claims came to Plaintiff's attention on December 3, 2008.

4 7. Defendants contend that the fact that Plaintiff has filed three lawsuits based upon  
5 set-aside letters issued by certain banks in favor of Plaintiff, which recoveries would reduce the  
6 sums owing, if any, by Defendants is, germane to the consideration of Plaintiff's claims against  
7 Defendants, if any, and this Stipulation. Specifically, the case numbers for these lawsuits now  
8 pending before this Court are as follows: CV-00366 (Travelers v. Comerica Bank), CV-00369  
9 (Travelers v. RBC Centura) and CV-00373 (Travelers v. Key Bank).

10 8. Defendants contend that Plaintiff, through the payment of certain claims, has  
11 obtained certain subrogation rights which may permit Plaintiff to pursue further recoveries of  
12 any amounts paid to claimant from banks in connection with bonded-stop notice litigation also  
13 already in progress. These recoveries would further reduce the sums owing, if any, by  
14 Defendants.  
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16 9. For example, because of the delays imposed on discovery by these above-  
17 identified events, the Parties recognize that it is not possible to meet the deadlines set forth in the  
18 Status (Pretrial Scheduling) Conference entered by this Court on or about February 11, 2008 (the  
19 "Scheduling Order"). Further, the Parties believe that more time is needed before discovery can  
20 be completed and expert witnesses can be designated. To make the most efficient use of the  
21 resources of the Parties and this Court, and to facilitate possible settlement discussions between  
22 the Parties, the Parties wish to vacate all of the dates set forth in the Scheduling Order. The most  
23 pressing date on the Scheduling Order that the Parties are seeking to vacate is the deadline to  
24 designate expert witnesses and exchange reports by Wednesday, December 10, 2008, which is

1 the Parties' immediate concern.

2 10. For the above reasons, the Parties propose (a) vacating all of the dates set forth in  
3 the Scheduling Order; and (b) setting a status conference at the Court's convenience, preferably  
4 sometime in January or February of 2009 to advise the Court of these critical developments and  
5 discuss a new scheduling order.

6 11. In the meantime, the Parties stipulate as follows:

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9 **STIPULATION**

10 1. The Parties stipulate to vacate all dates set forth in the Scheduling Order; and

11 2. The Parties stipulate to appear at a status conference before this Court that will be  
12 set by this Court at a day and time convenient to the Court.

13 3. Defendants will file this Stipulation with the Court.

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15 **IT IS SO STIPULATED.**

16  
17 Dated: December 8, 2008

LEVENE, NEALE, BENDER, RANKIN & BRILL L.L.P.

18  
19 By: /s/ Michelle S. Grimberg

Beth Ann R. Young

Michelle S. Grimberg

20 Attorneys for Defendants Sidney B. Dunmore, an  
21 individual and Sidney B. Dunmore, Trustee for Sid  
22 Dunmore Trust Dated February 28, 2003

23 Date: December 8, 2008

WOLKIN CURRAN, LLP

24  
25 By: /s/Donald J. Colucci

Donald J. Colucci

26 Attorney for Plaintiff Travelers Casualty and Surety  
27 Company of America, a Connecticut corporation

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**ORDER**

**HAVING REVIEWED THE FOREGOING STIPULATION AND GOOD CAUSE  
APPEARING THEREON,**

**IT IS HEREBY ORDERED THAT:**

1. The Scheduling Order is vacated; and
2. The Parties shall appear at a status conference before this Court on March 16,  
2009 at 3:30 p.m.; and
3. The Parties shall file a Joint Status Report outlining in detail the status of the case  
and the issues impacting discovery 14 calendar days prior to the Status Conference set herein.

Date: December 10, 2008

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

