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5 **JENNINGS, STROUSS & SALMON, P.L.C.**

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11 Attorneys for Defendant PacifiCorp

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE DISTRICT OF ARIZONA**

14 LAWRENCE HOBBS, individually;  
15 LAWRENCE and GLORIA HOBBS,  
16 husband and wife; TYLER HOBBS,  
17 JENNIFER HOBBS, and CHRISTINE  
18 HOBBS, children,

19 Plaintiffs,

20 vs.

21 PACIFICORP, an Oregon corporation;  
22 S.D. MYERS, INC., an Ohio  
23 corporation; GENERAL ELECTRIC, a  
24 New York corporation; ASEA BROWN  
25 BOVERI, INC., a Delaware corporation;  
26 and CBS CORPORATION, formerly  
known as WESTINGHOUSE  
ELECTRIC COMPANY, a Delaware  
corporation,

Defendants

No. CV 2005-1906-PHX-SRB

**JOINT STIPULATION TO  
AMEND THE RULE 16  
SCHEDULING ORDER**

**(Assigned to Hon. Susan R. Bolton)**

Plaintiffs Lawrence Hobbs, et al. and Defendant PacifiCorp respectfully stipulate and submit to the Court their stipulation for consideration and approval regarding the (1) currently pending motion for summary judgment on plaintiff's

1 employment status (2) the number of motions for summary judgment to be allowed  
2 to be filed by the parties (3) the number of depositions allowed to be conducted  
3 regarding this matter.

4 As the Court is aware, this case involves the claims of Lawrence Hobbs  
5 against PacifiCorp, S.D. Myers and General Electric, which arise out of Mr. Hobbs'  
6 injuries as a result of a transformer incident at the Cholla Plant on May 8, 2004. Mr.  
7 Hobbs was severely burned as a result of the incident.

8 There are many issues in this litigation. As between the Plaintiff and  
9 Defendant PacifiCorp there are several significant issues including (1) whether Mr.  
10 Hobbs' claims against PacifiCorp are barred pursuant to A.R.S. § 23-1022 and 23-  
11 1023; (2) whether Mr. Hobbs has a premises liability claim against PacifiCorp; (3)  
12 whether PacifiCorp breached any legal duty to Mr. Hobbs; and (4) whether  
13 PacifiCorp's breach, if any, was a proximate cause of the incident. Counsel for  
14 Plaintiffs and PacifiCorp have discussed many of these issues, which will be  
15 appropriately addressed in motions for summary judgment.

16 The Plaintiffs and PacifiCorp wish to address these issues in a rationale  
17 process and therefore have stipulated, subject to Court approval, as to the following:

18 1. The legal issue as to Plaintiff's employment status and premises  
19 liability claim shall be briefed with the current Plaintiffs' Motion for Summary  
20 Judgment and the Defendants to be filed Cross-Motion for Summary Judgment.

21 Due to agreed discovery between the parties, the parties stipulate that the  
22 Response and Cross-Motions shall be due on April 11 2007. The Plaintiffs'  
23 Response and Reply to be due on May 8, 2007, and the Reply on the Cross-Motion  
24 on May 22, 2007, with oral argument on a date convenient for the Court thereafter.

25 2. The legal issues as to duty and causation shall be briefed by a separate  
26 motion for summary judgment and that such be allowed by the Court.

1           3.     That the parties' pretrial order be modified to allow additional fact  
2 depositions as agreed to by the parties in excess of 10 each, as provided for in the  
3 pretrial order.

4           The outcome of the items above will greatly alter the legal strategies and  
5 expected costs for the Defendants GE and SD Myers. GE and SD Myers desire to  
6 have the outcome of the above issues resolved prior to the close of discovery and  
7 final expert reports. It is for this reason, if allowed by the Court, all Parties wish the  
8 current Scheduling Order to be amended as follows;

<u>Proposed New Date</u>	<u>Old Date</u>	<u>Item</u>
August 17, 2007	June 15, 2007	Plaintiffs disclosure of persons whom may be used at trial due
September 14, 2007	July 16, 2007	Defendants disclosure of persons whom may be used at trial due
September 14, 2007	July 16, 2007	All discovery except expert discovery due by both parties
October 15, 2007	August 15, 2007	Rebuttal experts disclosed by both parties due
November 16, 2007	September 14, 2007	Completion of expert discovery due by both parties
December 3, 2007	October 1, 2007	Dispositive/Daubert motions filed by both parties
December 17, 2007	October 15, 2007	Finally supplement all discovery due by both parties
March 17, 2008	March 17, 2008	Motions in Limine due by both parties

<u>Proposed New Date</u>	<u>Old Date</u>	<u>Item</u>
March 24, 2008	March 24, 2008	Joint Proposed Pretrial Order
March 26, 2008	March 26, 2007	Motions in Limine responses due by both parties
March 31, 2008	March 31, 2008	Pre trial Conference at 9:00 a.m.
April 8, 2008	April 8, 2008	Jury Trial Date.

For these reason, all Parties have Stipulated as set forth above and in the proposed order attached hereto. The parties believe in good faith that such stipulation shall assist in the management and ultimate disposition of the case.

DATED this 15th day of March 2007.

JENNINGS, STROUSS & SALMON, P.L.C.

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THIS DOCUMENT was e-filed this 15th  
day of March, 2007.

COPY of the foregoing was e-mailed to:

The Honorable Susan R. Bolton  
United States District Court  
Sandra Day O'Connor U.S. Courthouse  
Suite 521  
401 West Washington, SPC 48  
Phoenix, AZ 85003-2151

Angel L. King /s/