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8 Attorneys for Plaintiff, PINNACLE ARMOR, INC.

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 PINNACLE ARMOR, INC,
12 Plaintiff,
13 v.
14 UNITED STATES OF AMERICA,
15 Defendant.

Case No.: 1:07-cv-01655-LJO-SABB

**STIPULATION AND ORDER TO
CONTINUE DISCOVERY MOTION AND
RESPONSE DATES**

Current Date: March 1, 2013

New Date: March 29, 2013

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18 IT IS HEREBY STIPULATED by and between Plaintiff on the one hand, and Defendant,
19 on the other hand, by and through their counsel of record pursuant to Local Rule 144(a) and
20 subject to this Court's approval, to the following:

21 1. On February 12, 2013, the Court issued its Order re Plaintiff's Motion to
22 Supplement the Administrative Record (ECF 81). The Order allowed Plaintiff to file a very
23 narrow motion for discovery to uncover whether the National Institute of Justice ("NIJ")
24 considered additional data from the Army or DOD, and set the deadline for filing said motion for
25 March 1, 2013;

26 2. Accordingly, counsel for Plaintiff and Defendant are meeting and conferring over
27 a stipulation as to the nature of any discovery and/or to supplement the Revised Administrative
28 Record ("RAR") with Army or DOD data, which is continuing;

1 3. In view of the above, and because counsel for Defendant is scheduled to be on
2 vacation during the week that the response to a discovery motion is due (March 8, 2013), the
3 parties believe there is good cause to continue the motion deadline to March 29, 2013, with the
4 response deadline continued accordingly to April 5, 2013;

5 4. The parties anticipate that the additional time will result in a stipulation based on their
6 meet and confer efforts which will obviate the need for a discovery motion. The parties further
7 anticipate that once said discovery and/or supplementation of the RAR is resolved by stipulation,
8 they will be able to stipulate to a schedule for resolution of this case on the merits by cross-
9 motions for summary judgment in a manner that will also allow for an attempt to informally
10 resolve this action prior to the filing of said cross-motions.

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12 Dated: February 27, 2013

RADCLIFF & SAIKI, LLP

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14 By: /s/ Eric H. Saiki

Eric H. Saiki
Attorneys for Plaintiff
PINNACLE ARMOR, INC.

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16
17 Dated: February 27, 2013

STUART F. DELERY
Acting Assistant Attorney General

18 BENJAMIN B. WAGNER
19 United States Attorney

20 VINCENT M. GARVEY
Deputy Branch Director

21
22 By: /s/ Tamra T. Moore

Tamra T. Moore
Attorneys for Defendant
UNITED STATES OF AMERICA

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ORDER

Based on the above stipulation of all parties to this action, the Court directs that: Plaintiff's motion for discovery, or a stipulation for discovery and/or supplementation of the RAR in lieu of a motion for discovery, shall be filed on or before March 29, 2013, and Defendant's response to a motion for discovery, if any, be filed on or before April 5, 2013.

IT IS SO ORDERED.

Dated: February 28, 2013


UNITED STATES MAGISTRATE JUDGE