

1 Russell D. Cook 094934  
 Neal D. Douglass 227976  
 2 LAW OFFICE OF RUSSELL D. COOK  
 1233 West Shaw Avenue, Suite 100  
 3 Fresno, California 93711  
 Telephone: (559) 225-2510  
 4 Facsimile: (559) 229-3941

5 Attorneys for Plaintiff, Davis Moreno  
 Construction, Inc., a California corporation.  
 6  
 7

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA - FRESNO BRANCH

10 DAVIS MORENO CONSTRUCTION, )  
 INC., a California corporation, )  
 11 )  
 Plaintiff, )  
 12 v. )  
 13 FRONTIER STEEL BUILDINGS )  
 CORP., a Colorado corporation, )  
 14 )  
 Defendant(s). )  
 15

Case #1:08-CV-00854-OWW-SMS

**Stipulation and Order Thereon  
 Re Extension of Time for Exchange  
 of Expert Witness Information**

16 Plaintiff, Davis Moreno Construction, Inc., and Defendant, Frontier Steel Buildings  
 17 Corp., by and through their counsel, respectfully submit the following Stipulation and Order  
 18 for the Court's Consideration:

19 The Court issued its Order Granting Defendant's Unopposed Motion for Extension  
 20 of Time to File Expert Reports (DOC 97) on June 23, 2010. Said Order extended the date  
 21 for submission of the required expert witness reports to the new date of August 5, 2010.

22 Since the time of the Court's Order, however, discovery has continued and  
 23 deposition testimonies have just recently been completed. As well, the parties have had  
 24 equally difficult times in obtaining initial expert witness reports responsive to all issues  
 25 relevant to the case. Therefore, it is difficult to have the reports and related documentation  
 26 filed with this Court on or before the current deadline of August 5, 2010.

27 The parties have agreed and stipulate, and do hereby request of the Court that an  
 28 extension of time by which to and including August 19, 2010, to file initial expert reports and

1 to reset subsequent expert deadlines accordingly. As Trial is currently scheduled for  
2 January, 2011, an additional extension of time for submission of expert reports will not  
3 impair the Court's original Scheduling Order.

4  
5 LAW OFFICE OF RUSSELL D. COOK

6  
7 Date: August 2, 2010

8 By: /s/ Russell D. Cook  
9 Russell D. Cook, Attorneys for Plaintiff  
10 DAVIS MORENO CONSTRUCTION, INC.,  
11 a California corporation

12 Date: August 2, 2010

13 By: /s/ John A. Meininger  
14 John A. Meininger, Attorney for Defendant,  
15 FRONTIER STEEL BUILDINGS CORP.,  
16 a Colorado corporation

17  
18 **ORDER GRANTING EXTENSION OF TIME TO FILE EXPERT REPORTS**

19 Upon the parties joint submission of this Stipulation and their mutual request of this  
20 Court for an Order extending the time by which to file initial Expert Witness reports, and as  
21 discovery is continuing in the matter, and good cause having been shown,

22 It is hereby Ordered that the Stipulation is GRANTED and the time to file initial  
23 Expert reports is extended to and through August 19, 2010.

24 Date: August 3, 2010

25 /s/ OLIVER W. WANGER  
26 UNITED STATES DISTRICT JUDGE

27  
28  
0703.19.Stip Re Extension for Expert Reports 7-29-2010.wpd