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 11 DOCTORS MEDICAL CENTER OF MODESTO, INC.

12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA

14 DOCTORS MEDICAL CENTER OF
 15 MODESTO, INC., a California
 16 for-profit corporation

17 Plaintiff,

18 vs.

19 THE GUARDIAN LIFE INSURANCE
 20 COMPANY OF AMERICA, a New
 21 York for-profit corporation; VIANT
 22 PAYMENT SYSTEMS, INC., an
 23 Illinois for-profit corporation; and
 24 DOES 1 THROUGH 25, INCLUSIVE

25 Defendants.

CASE No. 1:08-CV-00903-OWW-GSA

**STIPULATION AND ORDER TO
 EXTEND DATE FOR DISCLOSING
 EXPERT WITNESSES PURSUANT
 TO FED. R. CIV. P. 26 (First Request)**

**STIPULATION AND ORDER TO EXTEND DATE FOR DISCLOSING
EXPERT WITNESSES PURSUANT TO FED. R. CIV. P. 26
 (First Request)**

1 IT IS HEREBY STIPULATED AND AGREED between Plaintiff,
2 DOCTORS MEDICAL CENTER OF MODESTO, and Defendants THE
3 GUARDIAN LIFE INSURANCE COMPANY OF AMERICA and VIANT
4 PAYMENT SYSTEMS, INC. by and through their respective undersigned counsel
5 as follows:

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7 1. The parties agree that good cause exists to modify the deadline for the
8 disclosure of experts and exchange of written expert reports.

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10 2. Pursuant to the Scheduling Conference Order filed on March 13,
11 2009, the deadline for disclosure of experts and expert reports is set for July 31,
12 2009, which is seventy (70) days before the discovery cut-off date of October 9,
13 2009.

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15 3. The Court additionally ordered that any rebuttal, or supplemental
16 expert disclosures be made on or before September 1, 2009.

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18 4. The Parties request that the Court extend the deadline for disclosure of
19 experts and expert reports which is currently set for July 31, 2009 to August 31,
20 2009; and that the date for supplemental and rebuttal disclosures be reset from
21 September 1, 2009 to October 1, 2009, closer to the discovery cut-off.

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1 Dated: July ____, 2009

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3

STEPHENSON, ACQUISTO & COLMAN

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5

By: _____ /s/

6

OLIVER TOMAS

7

Attorneys for

8

DOCTORS MEDICAL CENTER OF

9

MODESTO, INC.

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Dated: July ____, 2009

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BURKE, WILLIAMS & SORENSEN, LLP

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By: _____ /s/

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STEPHEN GALTON, ESQ.

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Attorneys for

THE GUARDIAN LIFE INSURANCE

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COMPANY OF AMERICA

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1 Dated: July _____, 2009
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3 BEAM, BROBECK, WEST, BORGES &
4 ROSA LLP

5
6 By: _____ /s/

7 GLEN A. STEBENS
8 Attorneys for
9 VIANT PAYMENT SYSTEMS, INC.
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12 IT IS SO ORDERED.
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14 DATED this 31st day of July, 2009.
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16 /s/ OLIVER W. WANGER
17 UNITED STATES DISTRICT JUDGE
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**PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 303 North Glenoaks Boulevard, Suite 700, Burbank, California 91502-3226.

On **July 30, 2009**, I served the foregoing document(s) described as **STIPULATION AND ORDER TO EXTEND DATE FOR DISCLOSING EXPERT WITNESSES PURSUANT TO FED. R. CIV. P. 26 (First Request)** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

FREDERICK M. BORGES, ESQ.
GLEN A. STEBENS, ESQ.
BEAM, BROBECK, WEST, BORGES & ROSA, LLP
1301 Dove Street, Suite 700
Newport Beach, California 92660-2412

STEPHEN H. GALTON, ESQ.
KEIKO J. KOJIMA, ESQ.
BURKE, WILLIAMS & SORENSON, LLP.
444 South Flower Street, Suite 2400
Los Angeles, California 90071-2953

BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Burbank, 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 or postage meter date is more than one day after date of deposit for mailing in affidavit. [C.C.P. 1013a(3); F.R.C.P. 5(b)]

Federal: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **July 30, 2009**, at Burbank, California.

/s/
ANGELA DEMERS