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6 **UNITED STATES DISTRICT COURT**  
7 **EASTERN DISTRICT OF CALIFORNIA**

8 LEXINGTON INSURANCE COMPANY,  
9 a Delaware Corporation,

10 Plaintiff,

11 v.

12 SENTRY SELECT INSURANCE COMPANY,  
13 an Illinois Corporation,

14 Defendant.

CASE NO. 1:08-cv-1539-LJO-SKO

ORDER ON PARTIES STIPULATION AND  
ORDER TO EXTEND DISCOVERY  
DEADLINE FOR A LIMITED PURPOSE

15 This is the fourth request for a modification to the initial scheduling order dated February 18,  
16 2009, that the parties have requested. On February 9, 2010, the parties were cautioned that any  
17 further stipulation seeking modification of the scheduling order would be viewed with disfavor  
18 absent extraordinary circumstances.

19 On May 20, 2010, the parties filed a request for another modification to the original  
20 scheduling order. The parties assert that Defendant, Sentry Select Insurance Company, had agreed  
21 to produce three witnesses for deposition in Stevens Point, Wisconsin on May 13 and 14, 2010. The  
22 parties state that the deposition of Tim Kelly, scheduled for May 14, 2010, could not proceed as  
23 planned because Mr. Kelly had a sudden family emergency. The parties agreed that it was more  
24 economical to reschedule all three depositions for a later date, rather than require the parties'  
25 attorneys to travel to Wisconsin from California on two separate occasions. Thus, the parties  
26 tentatively agreed to reschedule all three depositions to June 16 and 17, 2010, which is past the  
27 current discovery cut-off of June 7, 2010. The parties seek an order of the Court allowing these  
28 depositions to take place past the current discovery deadline.

1 The parties also seek to extend the deadline to serve the initial expert disclosures until after  
2 the depositions have been taken and request that the deadline to do so be extended to June 25, 2010.  
3 The parties further request that the deadline to serve supplemental expert witness disclosures be  
4 extended to July 8, 2010. The parties have also explicitly agreed that all other dates in the February  
5 9, 2010, and April 20, 2010 orders shall remain in place.

6 The Court will grant the parties' request with the following caution: **no other extensions of**  
7 **time will be considered or granted unless truly extraordinary circumstances arise.** The parties  
8 are also cautioned that the **pretrial motion filing deadline is July 1, 2010.** The Court reminds the  
9 parties that no other deadlines are subject to extension.

10 In summary, the Court has adjusted only the dates for the parties to serve initial expert  
11 witness disclosures and the last day to serve supplemental expert witness disclosures. No other  
12 dates, as expressly stipulated by the parties, are adjusted or affected.

13 Accordingly, IT IS HEREBY ORDERED that

- 14 1. The depositions of Marcia Tepp, Tim Kelly, and Sherry Anderson may be taken on  
15 June 16 and 17, 2010. The discovery deadline for **all other discovery** shall remain  
16 set at June 7, 2010.
- 17 2. The last day for the parties to serve initial expert witness disclosures is on **June 25,**  
18 **2010.**
- 19 3. The last day for the parties to serve supplemental expert witness disclosures is on  
20 **July 8, 2010.**
- 21 4. The last day for the parties to complete expert discovery is on **July 16, 2010.**
- 22 5. All other dates set forth in the Court's Order of February 9, 2010, and the Court's  
23 Minute Order of April 20, 2010 shall remain intact.

24  
25 IT IS SO ORDERED.

26 **Dated: May 25, 2010**

27 **/s/ Sheila K. Oberto**  
28 **UNITED STATES MAGISTRATE JUDGE**