

1 **Jan T. Perkins #057995**
 2 **Jerry H. Mann #095466**
 3 **Douglas V. Thornton #154956**
 4 **PERKINS, MANN & EVERETT**
 5 **A Professional Corporation**
 6 **2222 West Shaw Avenue, Suite 202**
 7 **Fresno, California 93711**
 8 **Telephone (559) 447-5700**
 9 **Facsimile (559) 447-5600**

Attorney for: Plaintiff TERENCE J. LONG, TRUSTEE PURSUANT TO COURT ORDER

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

11 ONIONS ETC., INC., and DUDA FARM
12 FRESH FOODS, INC.,

Case No.: 1:09-cv-00906-OWW-MJS

13 Plaintiffs,

14 v.

ORDER RE SCHEDULING

15 Z & S FRESH, INC., a California
 16 corporation; Z & S DISTRIBUTING
 17 COMPANY, INC., a California
 18 corporation; MARTIN J. ZANINOVICH,
 an individual; LOREN SCHOENBURG,
 an individual; MARGE SCHOENBURG,
 an individual,

19 Defendants.

20 AND ALL RELATED ACTIONS.
21

22 On April 30, 2010, a scheduling conference was held. Pursuant to the scheduling
 23 conference, the Court issued a Further Scheduling Conference Order, dated May, 4, 2010
 24 (Doc. No. 468), setting pre-trial and trial dates.

25 Thereafter, pursuant to the Court’s order on July 16, 2010, to submit a joint scheduling
 26 statement, Intervenor Plaintiff and Counter-Defendant TERENCE J. LONG, TRUSTEE
 27 PURSUANT TO COURT ORDER (the “Trustee”), and many of the other parties, filed a
 28 Joint Scheduling Statement on August 6, 2010 (Doc. No. 524).

1 The Joint Scheduling Statement proposed to modify the pre-trial and trial dates set in
2 the Further Scheduling Conference Order. Specifically, the Joint Scheduling Statement
3 included the following proposed revised dates:

- 4 1. To continue the non-expert discovery deadline of November 22, 2010, by sixty
5 (60) days;
- 6 2. To continue the deadline to disclose all expert witnesses, in writing, of
7 December 13, 2010, by sixty (60) days;
- 8 3. To continue the deadline to complete all discovery, including experts, of
9 February 14, 2011, by sixty (60) days;
- 10 4. To continue the non-dispositive motion filing deadline of March 1, 2011, the
11 non-dispositive motion hearing date of April 1, 2011, the dispositive motion filing deadline of
12 March 15, 2011, and the dispositive motion hearing date of April 18, 2011, so that the
13 continued deadlines would correspond with the continued discovery cut-off dates;
- 14 5. To continue the pre-trial conference date of June 6, 2011, by sixty (60) days; and
- 15 6. To continue the trial date of July 12, 2011, by sixty (60) days.

16 No counsel or party objected to the modified dates except for the law firm of Walter-
17 Wilhelm Law Group (“**Walter-Wilhelm**”) on behalf of Defendants Z&S Fresh, Inc. (“**Z&S**”),
18 and Martin J. Zaninovich. Walter-Wilhelm objected to continuing any dates, but it did not
19 object to moving the settlement conference date to an earlier date. Walter-Wilhelm has since
20 withdrawn from representing Z&S. Further, Defendant Martin J. Zaninovich has offered to
21 have judgments entered against him by many of the plaintiffs in this action.

22 Though substantial amounts of written discovery and several depositions have been
23 completed, the Trustee and Defendant, Cross-Claimant, and Counter-Claimant FRESNO-
24 MADERA FEDERAL LAND BANK ASSOCIATION, FLCA (the “**Land Bank**”), have yet
25 to complete the written discovery process and take approximately ten more depositions.

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1 After reviewing the foregoing and the Joint Scheduling Statement filed on August 6,
2 2010, the Court orders as follows:

3 1. To continue the non-expert discovery deadline of November 22, 2010, to
4 January 24, 2011;

5 2. To continue the deadline to disclose all expert witnesses, in writing, of
6 December 13, 2010, to February 14, 2011;

7 3. To continue the deadline to complete all discovery, including experts, of
8 February 14, 2011, to April 14, 2011;

9 4. To continue the non-dispositive motion filing deadline of March 1, 2011, to
10 May 2, 2011;

11 5. To continue the non-dispositive motion hearing date of April 1, 2011, to June 3,
12 2011, at 9:00 a.m., in Courtroom 7;

13 6. To continue the dispositive motion filing deadline of March 15, 2011, to
14 May 16, 2011;

15 7. To continue the dispositive motion hearing date of April 18, 2011, to June 20,
16 2011, at 10:00 a.m., in Courtroom 3;

17 8. To hold the settlement conference, as it was scheduled in the Further Scheduling
18 Conference Order, on February 16, 2011, at 10:30 a.m., in Courtroom 7;

19 9. To continue the pre-trial conference date of June 6, 2011, to August 8, 2011, at
20 11:00 a.m., in Courtroom 3; and

21 10. To continue the trial date of July 12, 2011, to September 13, 2011, at 9:00 a.m.,
22 in Courtroom 3, which will be a jury trial with an estimated trial time of 16 days (4 weeks).

23 IT IS SO ORDERED.

24 Dated: November 16, 2010

/s/ OLIVER W. WANGER
United States District Judge