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15 Attorneys for Plaintiff JONATHAN SORRELL

16 **UNITED STATES DISTRICT COURT**
17 **EASTERN DISTRICT OF CALIFORNIA**

18 **JONATHON SORRELL,**
19
20 Plaintiff,
21 v.
22 **KEL-TEC CNC INDUSTRIES, INC.,**
23
24 Defendant.

No. 1:09-CV-01465-AWI-GSA
STIPULATION AND AMENDED
SCHEDULING ORDER CORRECTED AS
TO SCHEDULING PREFERENCES

25 Defendant KEL-TEC CNC INDUSTRIES, INC. (hereinafter “Defendant”) and Plaintiff
26 JONATHON SORRELL (hereinafter “Plaintiff”), by and through their undersigned counsel, and,

MCCORMICK, BARSTOW,
SHEPPARD, WAYTE & CARRUTH
LLP
5 RIVER PARK PLACE EAST
FRESNO, CA 93720-1501

1 pursuant to the Federal Rules of Civil Procedure and Local Rules 83-143 and 6-144, hereby
2 stipulate and agree to amend the Scheduling Order (Doc. 17) as follows:

3 **VIII. Discovery Plan and Cut-Off Date**

4 The parties are ordered to complete all discovery pertaining to non-experts on or before
5 **December 10, 2010**. Plaintiff is directed to disclosure all expert witnesses, in writing, on or
6 before **January 10, 2011**. Defendant is directed to disclosure all expert witnesses, in writing, on
7 or before **February 11, 2011**. The written designation of experts shall be made pursuant to Fed.
8 R. Civ. P. Rule 26(a)(2), (A) and (B) and shall include all information required thereunder.
9 Failure to designate experts in compliance with this order may result in the Court excluding the
10 testimony or other evidence offered through such experts that are not disclosed pursuant to this
11 order.

12 The parties are directed to complete all expert discovery on or before **April 11, 2011**.
13 The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating to experts
14 and their opinions. Experts must be fully prepared to be examined on all subjects and opinions
15 included in the designation. Failure to comply will result in the imposition of sanctions, which
16 may include striking the expert designation and preclusion of expert testimony.

17 **IX. Pre-Trial Motion Schedule**

18 All non dispositive Pre-Trial Motions, including any discovery motions, shall be filed no
19 later than **April 25, 2011**. In scheduling such motions, the parties shall comply with Local Rules
20 78-230 and 56-260. Counsel must comply with Local Rule 37-251 with respect to discovery
21 disputes or the motions will be denied without prejudice and dropped from the calendar.

22 In scheduling such motions, the Judge may grant applications for an order shortening
23 time pursuant to Local Rule 6-142(d). However, if a party does not obtain an order shortening
24 time, the notice of motion *must* comply with Local Rule 37-251.

25 Counsel or pro se parties may appear and argue non-dispositive motions by telephone,
26 provided a written request to do so is made to the Magistrate Judge's Courtroom Clerk no later
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1 than five (5) Court days before the noticed hearing date. In the event that more than one party
2 requests to appear by telephone then it shall be the obligation of the moving part(ies) to arrange
3 and originate a conference call to the Court.

4 All Dispositive Pre-Trial Motions shall be filed no later than **May 24, 2011**, and heard in
5 Courtroom 2 before the Honorable Anthony W. Ishii, Chief United States District Court Judge.
6 In scheduling such motions, the parties shall comply with Local Rules 78-230 and 56-260.

7 **X. Pre-Trial Conference Date**

8 The pre-trial conference will be held on **August 1, 2011**, at 8:30 a.m. in Courtroom 2
9 before the Honorable Anthony W. Ishii.

10 The parties are ordered to file a Joint Pre-trial Statement pursuant to Local Rule 16-
11 281(a)(2). The parties are further directed to submit a digital copy of their pre-trial statement in
12 Word Perfect X3¹ format, directly to Judge Ishii's chambers by emailing it to
13 awiorders@caed.uscourts.gov.

14 The parties' attention is directed to Rules 16-281 and 16-282 of the Local Rules of
15 Practice for the Eastern District of California, as to the obligations of counsel in preparing for the
16 pre-trial conference. The Court will insist upon strict compliance with those rules.

17 **XI. Trial Date**

18 The trial will be held on **September 12, 2011, at 8:30 a.m.** in Courtroom 2 before the
19 Honorable Anthony W. Ishii, Chief United States District Court Judge.

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26 ¹ If Word Perfect X3 is not available to the parties then the latest version of WordPerfect or any other word
27 processing program in general use for IBM compatible personal computers is acceptable.

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IT IS SO STIPULATED BY:

McCORMICK, BARSTOW, SHEPPARD, WAYTE &
CARRUTH, LLP

By: /s/ Lowell T. Carruth
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ORDER

Upon the Court's review, the stipulation is adopted with the following modifications. The pre-trial conference will be held on **August 3, 2011**, at 8:30 a.m. in Courtroom 2 before the Honorable Anthony W. Ishii; instead of August 1, 2011 as requested. The trial will be held on **September 13, 2011, at 8:30 a.m.** in Courtroom 2 before the Honorable Anthony W. Ishii; instead of September 12, 2011 as requested.

IT IS SO ORDERED.

Dated: August 10, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

MCCORMICK, BARSTOW,
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