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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

TRACY ROSS, as Guardian ad Litem
of MAGGIE CHRISTINE ROSS; INA
PATE,

Plaintiffs,

v.

ATICO INTERNATIONAL USA, INC.;
WALGREEN COMPANY; and DOES 1
to 50, inclusive.

Defendants.

CASE NO. 1:09-CV-01732-OWW-
SKO

STIPULATION; ORDER

Plaintiffs TRACY ROSS, as Guardian ad Litem of MAGGIE CHRISTINE ROSS, INA PATE and Defendants ATICO INTERNATIONAL USA, INC. (hereinafter "Atico"); WALGREEN COMPANY (hereinafter "Walgreens"), by and through their respective attorneys of record, stipulate and agree as follows:

1. On December 13, 2010, the Court ordered that the depositions of Defendants' corporate representatives be completed no later than January 20, 2011.

2. The depositions of Atico's and Walgreen's corporate representatives were set to take place on January 4, 2011 in Ft. Lauderdale, Florida and January 6, 2011 in Chicago, Illinois, respectively.

3. Jeffrey Shapiro, lead counsel for Atico, was scheduled to defend the depositions.

4. On January 3, 2011, Mr. Shapiro met with the Atico corporate representative in preparation for the deposition.

5. The evening of January 3, 2011 Mr. Shapiro was unexpectedly admitted to the hospital due to a severe medical condition.

1 6. Mr. Shapiro e-mailed Plaintiff's counsel from the hospital that night to
2 inform them of the emergent situation, but Plaintiff's counsel was already in Florida.

3 7. The morning of January 4, 2011, Plaintiff's counsel contacted the
4 Court to seek guidance regarding the rescheduling of the depositions.

5 8. The Court instructed the parties to work together to agree to a new
6 deposition schedule and submit a stipulation reflecting the revised schedule.

7 9. Mr. Shapiro was not released from the hospital until January 8, 2011.
8 As an unavoidable result, neither of the depositions were able to proceed as originally
9 scheduled.

10 10. Pursuant to the Court's instructions, the parties have worked together
11 and arrived at an agreement regarding new depositions dates.

12 11. The Atico corporate representative deposition will be scheduled for
13 January 27, 2011 in Chicago, Illinois.

14 12. The Walgreen's corporate representative deposition will be scheduled
15 for January 28, 2011 in Chicago, Illinois.

16 13. At Plaintiff's counsel's request, Mr. Shapiro's firm has agreed to
17 reimburse Plaintiff's counsel's expenses in the amount of \$1,922.00 incurred due to Mr.
18 Shapiro's unavailability for the depositions as previously scheduled.

19 Dated: January 18, 2011.

CORNWELL & SAMPLE, LLP

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22 By: _____ /s/
23 Stephen R. Cornwell
24 Judith M. Harless
25 Attorney for Plaintiffs
26 TRACY ROSS, as Guardian ad Litem of
27 MAGGIE CHRISTINE ROSS; INA PATE

26 Dated: January 20, 2011.

ARNSTEIN & LEHER

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By: _____ /s/
Jeffrey Shapiro

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IT IS SO ORDERED.

Dated: January 24, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE