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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

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E. & J. GALLO WINERY, a California
corporation,

CASE NO. 1:11-CV-00476-LJO-GSA

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Plaintiff,

**STIPULATION AND ORDER
RE: MODIFICATION OF PRETRIAL
SCHEDULING CONFERENCE ORDER**

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vs.

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TOLEDO ENGINEERING CO., INC., an
Ohio corporation, and DOES I through XX,
inclusive,

Trial Date: May 13, 2013

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Defendants.

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IT IS HEREBY STIPULATED between Plaintiff E. & J. GALLO WINERY and
21 Defendant TOLEDO ENGINEERING CO., INC., as follows:

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In order to facilitate Defendant's scheduling of depositions of Plaintiff's employees,
23 Martin Rhodes and Jeff Wilson, the parties jointly request that this Court modify its pretrial
24 Scheduling Conference Order and re-set discovery deadlines as follows:

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1. Fact Discovery Cut-Off: October 29, 2012

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2. Expert Disclosure Deadline: November 15, 2012

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3. Supplemental Expert Disclosure: December 5, 2012

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4. Expert Discovery Cut-Off: December 21, 2012

1 The parties agree that there is good cause for this modification, in light of the already
2 congested deposition schedule in this matter, which includes at least seven depositions already
3 scheduled between October 5 and 15, 2012, to take place in three different cities. The parties do
4 not intend or agree that the extension provided for by this stipulation shall be used to propound
5 any additional non-expert discovery.

6 The parties also agree that this stipulation is not intended to resolve all issues previously
7 raised in Defendant's Motion to Modify Scheduling Conferencing Order, currently scheduled for
8 hearing on October 26, 2012. Rather, this stipulation, if approved by the Court, shall be an agreed
9 upon modification, pending the Court's ruling on that Motion. The parties reserve all of their
10 arguments concerning that motion.

11 DATED: October 15, 2012

LEWIS BRISBOIS BISGAARD & SMITH LLP

12 By:

13 /s/ Melissa M. Whitehead

14 Melissa M. Whitehead
15 Attorneys for Defendant TOLEDO
ENGINEERING CO., INC.

16 DATED: October 15, 2012

COTCHETT, PITRE & MCCARTHY LLP

17 By: /s/ Steven N. Williams

18 Steven N. Williams
19 Attorneys for Plaintiff E. & J. GALLO WINERY

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ORDER

In light of the stipulation, and for good cause showing, the Court orders as follows:

1. To allow for the taking of depositions of Mr. Rhodes and Mr. Wilson, fact discovery shall be cut-off on October 29, 2012; and
2. The parties are required to disclose expert witnesses by November 15, 2012. Supplemental expert witness disclosure, if any, shall be served by December 5, 2012. Expert discovery shall be completed on or before December 21, 2012.

IT IS SO ORDERED.

Dated: October 15, 2012

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE