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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

14

Plaintiff,

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

15

vs.

Trial Date: May 13, 2013

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

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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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The parties are presently engaged in trying to resolve certain discovery issues. Although  
23 certain discovery motions are before the court, the parties have been and continue to work on  
24 resolving pending discovery issues.

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The parties jointly request that this Court modify its pretrial Scheduling Conference Order  
26 and re-set the expert disclosure deadline as follows:

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1. Expert Disclosure Deadline: December 6, 2012

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1 The parties agree that the extension is not a basis to extend the current pre-trial conference  
2 date and trial date.

3  
4 DATED: November 7, 2012

LEWIS BRISBOIS BISGAARD & SMITH LLP

5 By: /s/  
6 Melissa M. Whitehead  
7 Attorneys for Defendant TOLEDO  
8 ENGINEERING CO., INC.

9  
10 DATED: November 7, 2012

McCORMICK, BARSTOW, SHEPPARD, WAYTE &  
CARRUTH LLP

11 By: /s/  
12 D. Greg Durbin  
13 Attorneys for Plaintiff E. & J. GALLO WINERY

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18 **ORDER**

19 In light of the stipulation, and for good cause showing, the expert disclosure deadline is  
20 extended until **December 6, 2012**. The pre-trial conference and the trial remain as scheduled.

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28 IT IS SO ORDERED.

Dated: November 9, 2012

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE