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ENGINEERING CO., INC.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

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

Plaintiff,

vs.

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

Defendants.

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

**STIPULATION AND ORDER
RE: EXPERT DISCOVERY**

Trial Date: May 13, 2013

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

In order to facilitate the scheduling of expert depositions, the parties jointly request that this Court modify its pretrial Scheduling Conference Order and permit the deposition of Dr. Michael Dunkl, one of defendant's retained experts, to be deposed on February 15, 2013, which is one day following the current expert discovery cut-off.

The parties agree that there is good cause for this modification, in light of the already congested expert deposition schedule in this matter, which includes 13 depositions already scheduled between January 21, 2013 and February 13, 2013, to take place in seven different cities.

Dr. Dunkl has agreed to fly from his residence in Germany to New York City for the deposition, and, excluding the dates set for other expert depositions, he is only available February 15, 2013. The parties do not intend or agree that the extension provided for by this stipulation shall be used to engage in additional discovery.

The parties also agree that each side will bear its own costs/fees for their experts' preparation for deposition and all costs/fees related to the deposition, including but not limited to, mileage to and from deposition location, parking, taxis, hours spent testifying, meals, and flights.

The parties agree that for all party-affiliated retained and non-retained experts, no subpoena for deposition will be required.

DATED: January 15, 2013

LEWIS BRISBOIS BISGAARD & SMITH LLP

By:

/s/ Talia L. Delanoy

Talia L. Delanoy
Attorneys for Defendant TOLEDO
ENGINEERING CO., INC.

DATED: January 15, 2013

COTCHETT, PITRE & MCCARTHY LLP

By: /s/ Steven N. Williams

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

ORDER

In light of the stipulation, and for good cause showing, expert discovery shall be extended until February 15, 2013 for the sole purpose of taking Dr. Michael Dunkl's deposition.

IT IS SO ORDERED.

Dated: **January 16, 2013**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE