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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOHN C. BRISBIN, an individual, dba  
CONSTRUCTION DEVELOPMENT  
SYSTEMS,

Plaintiff,

v.

CALMAT CO, dba VULCAN  
MATERIALS COMPANY - WESTERN  
DIVISION; and DOES 1 through 100,  
inclusive,

Defendant.

CASE NO. 1:11-cv-00568-AWI-SKO

**ORDER GRANTING THE PARTIES'  
STIPULATED REQUEST TO  
MODIFY THE SCHEDULING  
ORDER**

(Docket No. 18)

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CALMAT CO., dba VULCAN  
MATERIALS COMPANY – WESTERN  
DIVISION,

Counter-Claimant

v.

JOHN C. BRISBIN, an individual, dba  
CONSTRUCTION DEVELOPMENT  
SYSTEMS; WESTERN SURETY  
COMPANY, a South Dakota corporation,

Counter-Defendants.

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On December 29, 2011, the parties filed a stipulation seeking a modification of the scheduling order. (Doc. 18.) Specifically, the parties have scheduled a private mediation that will take place on January 27, 2012, and the parties wish to "avoid taking all of the necessary depositions and completion of other discovery in the case prior to the . . . mediation, in order to save attorney's

1 fees and costs." (Doc. 18, 2:20-24.) As such, the parties request that the deadlines be extended 60  
2 days to accommodate the scheduled mediation.

	<b>Event</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
3			
4	1. Non-Expert Disc.	October 31, 2011	March 30, 2012
5	2. Expert Discovery	January 31, 2012	March 30, 2012
6	3. Non-dispositive filing	January 23, 2012	March 23, 2012
7	4. Dispositive motion filing	February 29, 2012	April 27, 2012
8	5. Settlement Conference	March 6, 2012	May 4, 2012
9	6. Pre-Trial Conference	May 23, 2012	July 23, 2012
10	7. Trial	July 17, 2012	September 17, 2012

11 The parties propose that no other deadlines be modified, e.g., the expert disclosure deadline  
12 and the supplemental expert disclosure deadline.

13 Allowing additional time for the parties to attempt to resolve their dispute through mediation  
14 conserves resources and represents good cause for a modification of the scheduling deadlines. While  
15 the deadlines proposed by the parties are generally acceptable, the Court will modify the proposed  
16 dates of the Pre-Trial Conference and the Trial date to comport with the Chief District Judge Ishii's  
17 calendar, and the proposed date for the settlement conference will be modified to comport with  
18 Magistrate Judge Oberto's calendar. Further, the proposed deadline for the close of discovery will  
19 be set prior to the deadline for filing non-dispositive motions.

20 Accordingly, the schedule is modified as follows:

	<b>Event</b>	<b>Current Deadline</b>	<b>New Deadline</b>
21			
22	1. <b>Non-Expert Disc.</b>	<b>October 31, 2011</b>	<b>March 16, 2012</b>
23	2. <b>Expert Discovery</b>	<b>January 31, 2012</b>	<b>March 16, 2012</b>
24	3. <b>Non-dispositive filing</b>	<b>January 23, 2012</b>	<b>March 21, 2012</b>
25	4. <b>Non-dispos. mtn hearing</b>	<b>On or before April 18, 2012</b>	
26	5. <b>Dispositive motion filing</b>	<b>February 29, 2012</b>	<b>April 27, 2012</b>
27	6. <b>Disp. Motion hearing</b>	<b>On or before June 11, 2012</b>	
28	5. <b>Settlement Conference</b>	<b>March 6, 2012</b>	<b>May 17, 2012</b>

- 1 **6. Pre-Trial Conference May 23, 2012 July 25, 2012**  
2 **7. Trial July 17, 2012 September 18, 2012**

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IT IS SO ORDERED.

**Dated: January 4, 2012**

**/s/ Sheila K. Oberto**  
**UNITED STATES MAGISTRATE JUDGE**