

1 **UNITED STATES DISTRICT COURT**
2 **EASTERN DISTRICT OF CALIFORNIA**

3 TROY M. LINDELL, ON BEHALF OF HIMSELF
4 AND ALL OTHERS SIMILARLY SITUATED,

5 Plaintiffs,

6 vs.

7 SYNTHES USA, SYNTHES USA SALES LLC,
8 SYNTHES SPINE COMPANY, LP,

9 Defendants.

Case No. 1:11-CV-02053-LJO-BAM

**STIPULATION AND ORDER RE:
CASE DEADLINES AND SCHEDULE**

10 WHEREAS, on May 1, 2015, the parties requested, and the Court set, an informal telephonic
11 conference for May 7, 2015 at 8:30 a.m., to discuss discovery matters and case deadlines;

12 WHEREAS, on May 5, 2015, and pursuant to the Court's May 1, 2015 order (Docket No.
13 188), the parties each submitted a two-page letter regarding discovery and case deadlines;

14 WHEREAS, on May 7, 2015, the parties participated in a telephonic conference with the
15 Court on those matters;

16 WHEREAS, through the aforementioned letters and telephonic conference, the parties
17 informed the Court that on May 1, 2015, they stipulated to the following:

- 18 (1) By May 5, 2015, Defendants shall produce a privilege log;
- 19 (2) By May 6, 2015, Defendants shall provide deposition availability during the last two weeks
20 of May for witnesses Steve Wilkin and David Wholey;
- 21 (3) By May 7, 2015, Defendants shall provide substantive responses to Plaintiff's request for
22 electronic expense data related to Healthcare Professional expenses incurred by full
23 commission Sales Consultants and electronic deduction data related to Accounts Receivable
24 deductions, including stating whether it will produce the requested data and by what
25 deadlines;
- 26 (4) By May 8, 2015, Defendants shall produce 2014 end-of-year wage statements;
- 27 (5) By May 12, 2015, Defendants shall complete and serve supplemental written responses to all
28 discovery requests;

- 1 (6) By May 29, Defendants shall produce all other outstanding documents, including electronic
- 2 emails;
- 3 (7) The fact discovery cut-off shall be extended from May 5, 2015 to June 29, 2015;
- 4 (8) The expert disclosure deadline shall be extended from May 8, 2015 to July 10, 2015;
- 5 (9) The supplemental expert disclosure deadline shall be extended from June 5, 2015 to July 22,
- 6 2015;
- 7 (10) The expert discovery cut-off shall be extended from June 22, 2015 to August 21, 2015; and
- 8 (11) The last day to file pretrial motions, including motions for summary judgment, shall be
- 9 extended from July 15, 2015 to August 28, 2015. Any opposition is due three weeks after
- 10 the filing. The reply is due two weeks after the opposition.

11 WHEREAS, Defendants state that as of May 11, 2015, they have complied with paragraphs
12 one to five above, which materials Plaintiff is in the process of reviewing;

13 WHEREFORE, the parties request that the Court enter the attached order confirming the
14 schedule for the remainder of the paragraphs, numbers five through eleven, set forth above.

15
16 IT IS SO STIPULATED.

17 BLANK ROME LLP
18 DATED: May 11, 2015
19 By: /s/ Anthony B. Haller
20 Anthony B. Haller
21 Attorney for Defendants
22 SYNTHES USA, SYNTHES USA SALES LLC,
23 SYNTHES SPINE COMPANY, LP

24 DATED: May 11, 2015
25 LEWIS, FEINBERG, LEE, RENAKER & JACKSON,
26 P.C.
27 By: /s/ Kirsten G. Scott
28 Kirsten G. Scott
Attorney for Plaintiff TROY M. LINDELL and the
CLASS

ORDER

The Court, having considered the parties' letters submitted to the Court on May 5, 2015, and the parties' statements made during the telephone conference with the Court on May 7, 2015 on these matters, and good cause appearing, orders as follows:

1. By May 12, 2015, Defendants shall complete and serve supplemental written responses to all discovery requests;
2. By May 29, 2015, Defendants shall produce all outstanding documents responsive to Plaintiff's discovery requests;
3. The fact discovery cut-off shall be extended from May 5, 2015 to June 29, 2015;
4. The expert disclosure deadline shall be extended from May 8, 2015 to July 10, 2015;
5. The supplemental expert disclosure deadline shall be extended from June 5, 2015 to July 22, 2015;
6. The expert discovery cut-off shall be extended from June 22, 2015 to August 21, 2015; and
7. The last day to file pretrial motions, including motions for summary judgment, shall be extended from July 15, 2015 to August 28, 2015. Any opposition is due three weeks after the filing. The reply is due two weeks after the opposition. The notice of the hearing date should be set sufficiently out to accommodate this briefing schedule and allow for a minimum of two weeks between the completion of briefing and the hearing date.
8. In addition, the parties shall appear for a telephonic status conference on May 27, 2015, at 8:00 a.m., during which the parties should be prepared to discuss the status of discovery.

IT IS SO ORDERED.

Dated: May 12, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE