

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO

KRISTINE LIVINGSTON, Individually, and  
as Guardian ad Litem for IZAAK  
LIVINGSTON, a Minor, JASON ALAN  
LIVINGSTON, WESLEY ALEXANDER  
LIVINGSTON, as Survivors of Mark  
Livingston, Deceased,

Plaintiffs,

vs.

KEMPERSPORTS MANAGEMENT, INC.,

Defendant.

Case No. 1:12-CV-01427-LJO-SKO

**STIPULATION AND ORDER  
REGARDING NON-EXPERT AND  
EXPERT DISCOVERY DEADLINES**

IT IS HEREBY STIPULATED AND AGREED, by the parties hereto, by and through  
their respective counsel of record, as follows:

1. Pursuant to the Court's February 1, 2013 Scheduling Order (Dkt. No. 26), both  
the current Non-Expert Discovery Deadline and Expert Designation Deadline are March 4, 2014.  
Also pursuant to the Scheduling Order, the Expert Discovery Deadline is May 2, 2014. The  
current trial date for this case is scheduled for October 21, 2014.

1           2.       Defendant Kemper Sports Management Inc. (“Defendant”) has informed  
2 Plaintiffs that it intends to file its Motion for Summary Judgment immediately following the  
3 close of non-expert discovery. Although Defendant is unsure of the exact date on which it will  
4 file its Motion for Summary Judgment, it anticipates it will be filed on or before March 7, 2014.  
5 Therefore, Defendant’s anticipated motion will likely be heard on or shortly after April 4, 2014.

6           3.       The parties agree that they will have a better understanding of the issues  
7 remaining in this case, if any, after the hearing and resolution of Defendant’s Motion for  
8 Summary Judgment.

9           4.       The parties are further scheduled for a Mandatory Settlement Conference with the  
10 Court on May 6, 2014, during which the parties may resolve this matter through settlement and  
11 release, in which case expert discovery would be unnecessary and an additional, excessive cost  
12 of litigation.

13           5.       The parties agree that given the timing of Defendant’s impending Motion for  
14 Summary Judgment and the upcoming Mandatory Settlement Conference, the parties wish to  
15 minimize additional legal fees and costs of experts while they brief and await a ruling on the  
16 Motion for Summary Judgment and/or attend the Mandatory Settlement Conference.  
17 Consequently, the parties agree to delay commencing expert discovery in order to save costs  
18 during the pendency of the Motion.

19           6.       The parties therefore agree that the Expert Disclosure and Expert Discovery  
20 Deadlines shall be continued until a reasonable time after the anticipated hearing on Defendant’s  
21 Motion for Summary Judgment and/or the Mandatory Settlement Conference.

22           7.       The parties further agree that Defendant shall be permitted to take the deposition  
23 of Dr. Grant Nakamura (the treating physician for decedent Mark Livingston), currently noticed  
24 for Tuesday March 4, 2014, after the hearing on Defendant’s Motion for Summary Judgment  
25 and/or the Mandatory Settlement Conference in an additional effort to reduce costs and fees to  
26 the parties.

1           8.       The parties agree that good cause exists to extend the discovery deadlines as  
2 stated in this joint stipulation. *See* Declaration of Dean B. Gordon in Support of Stipulation and  
3 [Proposed] Order Regarding Non-Expert and Expert Discovery Deadlines; Declaration of  
4 Matthew J. Mason in Support of Stipulation and [Proposed] Order Regarding Non-Expert and  
5 Expert Discovery Deadlines

6           IT IS HEREBY STIPULATED AND AGREED that the Expert Disclosure Deadline  
7 shall be continued to May 16, 2014, or such other date as determined appropriate by the Court.

8           IT IS FURTHER HEREBY STIPULATED AND AGREED that the Expert Discovery  
9 Deadline shall be continued to July 16, 2014, or such other date as determined appropriate by the  
10 Court.

11           IT IS FURTHER HEREBY STIPULATED AND AGREED that the Non-Expert  
12 Discovery Deadline shall be continued until May 30, 2014 for the limited purpose of permitting  
13 Defendant to take the non-expert deposition of Dr. Grant Nakamura.

14  
15  
16  
17  
18  
19           IT IS SO STIPULATED

20  
21 DATED: February 25, 2014

LAW OFFICE OF DEAN B. GORDON

22  
23 By:           /s/ Dean B. Gordon            
24       Dean B. Gordon

25       Attorneys for Plaintiffs  
26       KRISTINE LIVINGSTON, IZAAK  
27       LIVINGSTON, JASON ALAN LIVINGSTON  
28       and WESLEY ALEXANDER LIVINGSTON



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28