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11 Attorneys for Defendant
12 STATE FARM GENERAL INSURANCE COMPANY
13 (Erroneously sued as State Farm Insurance Company)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHIERFUE HER and GE XIONG,

CASE NO. 1:13-CV-01095-AWI-GSA

Plaintiffs,

1

18 STATE FARM INSURANCE COMPANY, and
19 DOES 1 to 20

Defendant.

**STIPULATION AND ORDER TO
PARTIALLY REVISE THE COURT'S
CASE MANAGEMENT ORDER TO
EXTEND DISCOVERY DEADLINES
AND TO CONTINUE THE HEARING ON
STATE FARM'S MOTION FOR
SUMMARY JUDGMENT**

22 Plaintiffs and State Farm General Insurance Company (“State Farm”), by and through their
23 respective counsel, hereby stipulate to revise the Court’s September 25, 2013 Scheduling Order (Dkt
24 8) as follows:

I. RECITALS

27 1. The parties have been working diligently toward moving this case forward in an
28 efficient, expeditious manner. The parties wish to litigate this matter in a cost effective manner and

1 avoid unnecessary attorney fees and costs.

2 2. The parties have exchanged their initial disclosures pursuant to Fed.R.Civ.P., Rule 26
3 and have exchanged written discovery requests. Plaintiffs have responded to State Farm's written
4 discovery and State Farm's responses to plaintiffs' written discovery is due on March 24, 2014.

5 3. The current deadline to complete non-expert discovery is March 28, 2014. Expert
6 disclosures are currently due on April 4, 2014, supplemental expert disclosures on April 18, 2014
7 and the expert discovery cutoff is May 16, 2014. The deadline to file dispositive motions is June 13,
8 2014. Trial is currently set for November 4, 2014 with a pre-trial conference on September 11, 2014.

9 4. On March 6, 2014, State Farm filed a motion for summary judgment. (Dkt 9 – 11.)
10 State Farm obtained a hearing date of April 7, 2014. The parties have met and conferred regarding
11 the motion for summary judgment pursuant to the September 25, 2013 Scheduling Order and
12 determined that the motion and State Farm's separate statement of undisputed facts in support
13 thereof are still necessary.

14 5. State Farm's summary judgment motion seeks a ruling on case-dispositive legal
15 issues. The parties recognize that the Court's determination of a motion for summary judgment or
16 partial summary judgment could terminate this case. The parties would like to obtain a ruling on
17 State Farm's motion for summary judgment before incurring the cost of taking depositions and
18 conducting expert discovery, which would not be necessary if State Farm prevails on its motion.

19 6. In addition, based on the current hearing date of April 7, 2014, plaintiffs' opposition
20 to the motion for summary judgment is due on March 24, 2014, the same day as State Farm's
21 responses to plaintiffs' written discovery.

22 7. In order to give plaintiffs an opportunity to review State Farm's discovery responses
23 with sufficient time to prepare an opposition to the motion for summary judgment, and to avoid
24 unnecessary attorney fees and costs in having to take depositions and retain experts, the parties have
25 agreed to submit the instant Stipulation and [Proposed] Order to Partially Revise the Court's Case
26 Management Order to Extend Discovery Deadlines and to Continue the Hearing on State Farm's
27 Motion for Summary Judgment.

28 8. The parties also agree to the Court's revision of other dates and deadlines in the Case

1 Management Order if the Court deems any such revisions necessary, consistent with having State
2 Farm's summary judgment motion resolved before the non-expert and expert discovery deadlines.

3 Accordingly, the parties hereby stipulate to revising the Court's September 25, 2013
4 Scheduling Order and to continue the hearing on State Farm's motion for summary judgment as
5 follows.

6
7 **II.**
8 **STIPULATION**

9 The parties hereby stipulate to the following revisions to the court's Scheduling Order:

10 1. Non-expert Discovery Cutoff	May 16, 2014
11 2. Opening Expert Reports	June 13, 2014
12 3. Rebuttal Expert Reports	June 27, 2014
13 4. Expert Discovery Cutoff	July 11, 2014
14 5. Hearing on State Farm's 15 Motion for Summary Judgment	April 28, 2014
	(currently March 28, 2014)
	(currently April 4, 2014)
	(currently April 18, 2014)
	(currently May 16, 2014)
	(currently April 7, 2014)

16 The remaining deadlines, dates and requirements set forth in the Court's September 25,
17 2013 Scheduling Order remain unchanged.

20 Dated: March _____, 20014

21 TIMOTHY I. MARKS & ASSOCIATES

22 By _____

23 TIMOTHY I. MARKS
24 Attorneys for Plaintiffs
25 CHIERFUE HER and GE XIONG

1 Dated: March _____, 2014

2

3 HAYES SCOTT BONINO ELLINGSON & McLAY, LLP

4 By _____

5 STEPHEN M. HAYES
6 STEPHEN P. ELLINGSON
7 JAMIE A. RADACK
8 Attorneys for Defendant
9 STATE FARM GENERAL INSURANCE
10 COMPANY

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ORDER

Pursuant to the parties' stipulation, the deadlines for Opening Expert Reports, Rebuttal Expert Reports and the Expert Discovery Cutoff are continued as follows:

4	1. Non-expert Discovery Cutoff	May 16, 2014 (currently March 28, 2014)
5		
6	2. Opening Expert Reports	June 13, 2014 (currently April 4, 2014)
7		
8	3. Rebuttal Expert Reports	June 27, 2014 (currently April 18, 2014)
9		
10	4. Expert Discovery Cutoff	July 11, 2014 (currently May 16, 2014)
11		
12	5. Hearing on State Farm's Motion for Summary Judgment	April 28, 2014 (currently April 7, 2014)

The remaining deadlines, dates and requirements set forth in the Court's September 25, 2013 Scheduling Order remain unchanged.

IT IS SO ORDERED.

Dated: March 13, 2014