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 7 TRI-DAM

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA  
 10 FRESNO DIVISION

12 TRI-DAM,

13 Plaintiff,

14 v.

15 MERLE HOLMAN and BEVERLY  
 16 HOLMAN,

17 Defendants.

Case No. 1:13-CV-01448-AWI- SMS

**STIPULATION AND ORDER TO  
 CONTINUE DISCOVERY DEADLINES**

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Pre-Trial Conf.: June 17, 2015  
 Time: 8:30 a.m.  
 Courtroom: 2  
 Judge: Hon. Anthony W. Ishii

Trial: August 25, 2015  
 (3-4 day estimate)

20 This stipulation and proposed order to file an amended complaint and continue discovery  
 21 deadlines is entered into between plaintiff Tri-Dam (“Tri-Dam”) and defendants Merle Holman  
 22 and Beverly Holman (collectively “Defendants”), by and through their respective attorneys of  
 23 record, with reference to the following:

24 **RECITALS**

- 25 1. Tri-Dam commenced this action on September 9, 2013 by filing its Complaint.  
 26 2. Tri-Dam filed a First Amended Complaint on September 18, 2014, which seeks a  
 27 permanent injunction against Defendants related to improvements on real property they own in  
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1 Calaveras County (“Subject Property”), and adds claims for breach of contract, public and private  
2 nuisance, trespass and interference with easement. Defendants answered the First Amended  
3 Complaint on December 15, 2014.

4 3. The Court’s February 19, 2014 Scheduling Order provided, among other things,  
5 for a September 19, 2014 deadline to conduct non-expert discovery, an October 14, 2014 deadline  
6 to disclose experts, and a December 3, 2014 deadline to disclose supplemental experts.

7 4. The parties previously sought and obtained two prior extensions in this case. The  
8 current deadline to conduct non-expert discovery is January 7, 2015. The current deadline to  
9 disclose experts is January 15, 2015. The current deadline to disclose supplemental experts is  
10 February 6, 2015.

11 5. Tri-Dam served Interrogatories, Requests for Production of Documents, and  
12 Requests for Admission on Defendants in July 2014. Defendants have not responded to the  
13 written discovery.

14 6. Tri-Dam noticed Defendants’ depositions for January 6, 2015. However,  
15 Defendants are unable to appear for the deposition due to immediate health issues.

16 7. The parties met and conferred regarding appropriate extensions of the current  
17 discovery related deadlines based on those health issues. The parties believe good cause exists to  
18 continue: the current January 7, 2015 deadline to conduct non-expert discovery to February 11,  
19 2015; the current January 15, 2015 deadline to disclose experts to February 18, 2015; the current  
20 February 6, 2015 deadline to disclose supplemental experts to March 6, 2015; and the deadline to  
21 conduct expert discovery is continued from February 16, 2015 to April 8, 2015.

## 22 **STIPULATION**

23 Based on the foregoing recitals, the parties hereby STIPULATE that:

24 8. The deadline to conduct non-expert discovery is continued from January 7, 2015 to  
25 February 11, 2015.

26 9. The deadline to disclose experts is continued from January 15, 2015 to February  
27 18, 2015.

1           10.    The deadline to disclose supplemental experts is continued from February 6, 2015  
2 to March 6, 2015.

3           11.    The deadline to conduct expert discovery is continued from February 16, 2015 to  
4 April 8, 2015.

5           12.    This continuance of the above-referenced discovery related deadlines will not  
6 affect any other deadlines in this action.

7           13.    Defendants will produce the requested documents and will appear for deposition  
8 on a mutually agreeable date as soon as the health issues permit, before the non-expert discovery  
9 deadline.

10          14.    All remaining dates and deadlines as set by the Court in its February 19, 2014  
11 Scheduling Order, as modified by the September 17, 2014 Stipulation and Order to Continue  
12 Discovery Deadlines, and the October 21, 2014 Stipulation and Order to Continue Discovery  
13 Deadlines, are otherwise unaffected by this Stipulation and Proposed Order.

14  
15 DATED: January 5, 2015

DOWNEY BRAND LLP

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17 By:                   /s/ Thomas E. MARRS  
18 THOMAS E. MARRS  
19 Attorney for Plaintiff  
20 TRI-DAM

21 DATED: January 5, 2015

                  /s/ Shawn Parr (as authorized 1/5/15)  
22 SHAWN PARR  
23 Attorney for Defendants  
24 MERLE HOLMAN and BEVERLY HOLMAN  
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**ORDER**

This matter came before the Court on the Stipulation and Order to Continue Discovery Deadlines. For the reasons stated in the Stipulation and for good cause showing, the Court ADOPTS the Stipulation and GRANTS the relief requested therein.

Accordingly, IT IS HEREBY ORDERED THAT the deadline to conduct non-expert discovery is continued from January 7, 2015 to February 11, 2015. The deadline to disclose experts is continued from January 15, 2015 to February 18, 2015. The deadline to disclose supplemental experts is continued from February 6, 2015 to March 6, 2015. The deadline to conduct expert discovery is continued from February 16, 2015 to April 8, 2015. All remaining dates and deadlines as set by the Court in its February 19, 2014 Scheduling Order, as modified by the September 17, 2014 Stipulation and Order to Continue Discovery Deadlines, and the October 21, 2014 Stipulation and Order to Continue Discovery Deadlines, are otherwise unaffected by this Stipulation and Order.

IT IS SO ORDERED.

DATED: 1/6/2015

/s/ SANDRA M. SNYDER  
UNITED STATES MAGISTRATE JUDGE