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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**FRESNO DIVISION**

AMERICAN CONSTRUCTION &  
ENVIRONMENTAL SERVICES, INC., a  
Nevada corporation,

Plaintiff,

v.

TOTAL TEAM CONSTRUCTION  
SERVICES, INC., a California corporation;  
TRAVELERS CASUALTY & SURETY  
COMPANY OF AMERICA, a bonding  
company corporation; DOES 1 through 10;  
ROE CORPORATIONS 1 through 10; BOE  
BONDING COMPANIES 1 through 10,  
inclusive,

Defendants.

Case No.: 1:14-cv-00087-LJO-GSA

**STIPULATION TO EXTEND  
SCHEDULE and ORDER**

Based on the *Joint Statement by Plaintiff American Construction & Environmental Services and Defendant Total Team Construction Services, Inc.* lodged with Magistrate Judge Gary S. Austin on September 9, 2015, and the discussions between the parties and Magistrate Judge Austin on September 10, 2015, the parties, Plaintiff AMERICAN CONSTRUCTION & ENVIRONMENTAL SERVICES, INC. (“Plaintiff”), Defendant TOTAL TEAM CONSTRUCTION SERVICES, INC. (“Total Team”) and Defendant TRAVELERS CASUALTY & SURETY COMPANY OF AMERICA (“Travelers”), by and

1 through their respective attorneys of record, hereby stipulate to and request the Court to  
2 reschedule certain dates set by the Court in the Order Extending Schedule (Docket Doc. 38).

3 Plaintiff, Total Team, and Travelers hereby request the Court to reschedule the dates  
4 as follows:

	<b>PREVIOUS DATE</b>	<b>NEW DATE</b>
<b>Non-expert discovery cutoff</b>	September 4, 2015	November 20, 2015
<b>Expert disclosure</b>	September 18, 2015	December 8, 2015
<b>Rebuttal expert disclosure</b>	October 16, 2015	December 15, 2015
<b>Expert discovery cutoff</b>	November 13, 2015	January 8, 2016
<b>Non-dispositive motion filing deadline</b>	December 4, 2015	January 15, 2016
<b>Dispositive motion deadline</b>	January 4, 2016	February 26, 2016
<b>Pretrial Conference</b>	April 12, 2016 8:15 a.m. in Dept. 4	April 12, 2016 8:15 a.m. in Dept. 4
<b>Trial</b>	June 14, 2016 8:30 a.m. in Dept. 4	June 14, 2016 8:30 a.m. in Dept. 4

20 **IT IS SO STIPULATED AND AGREED.**

21 Dated: September 10, 2015

PEEL BRIMLEY, LLP

22 By: [/s/John V. Leary, Esq.](#)  
23 Attorneys for Plaintiff,  
24 AMERICAN CONSTRUCTION &  
ENVIRONMENTAL SERVICES, INC.

25 Dated: September 10, 2015

WOLKIN • CURRAN, LLP

26 By: [/s/James D. Curran, Esq.](#)  
27 Attorneys for Defendant,  
28 TOTAL TEAM CONSTRUCTION  
SERVICES, INC.

1 Dated: September 10, 2015

2 SALAMIRAD, MORROW, TIMPANE &  
3 DUNN, LLP

4 By: [/s/Michael J. Timpane, Esq.](#)  
5 Attorneys for Defendant,  
6 TRAVELERS CASUALTY & SURETY  
7 COMPANY OF AMERICA

8  
9 **ORDER**

10 The Court, having considered the above *Stipulation to Extend Schedule* and finding  
11 good cause to amend its previous Order Extending Schedule (Document 38), orders the  
12 deadlines in the scheduling order to be continued as set forth below:

	<b>PREVIOUS DATE</b>	<b>NEW DATE</b>
<b>Non-expert discovery cutoff</b>	September 4, 2015	November 20, 2015
<b>Expert disclosure</b>	September 18, 2015	December 8, 2015
<b>Rebuttal expert disclosure</b>	October 16, 2015	December 15, 2015
<b>Expert discovery cutoff</b>	November 13, 2015	January 8, 2016
<b>Non-dispositive motion filing deadline</b>	December 4, 2015	January 15, 2016
<b>Dispositive motion deadline</b>	January 4, 2016	<b>January 30, 2016</b> <b>(Note: This date is modified from the date requested.)</b>
<b>Pretrial Conference</b>	April 12, 2016 8:15 a.m. in Dept. 4	April 12, 2016 8:15 a.m. in Dept. 4
<b>Trial</b>	June 14, 2016 8:30 a.m. in Dept. 4	June 14, 2016 8:30 a.m. in Dept. 4

25 The parties are advised that future requests to amend the scheduling conference will  
26 be looked upon with **great** disfavor given the length of time this case has been pending.  
27 Moreover, compliance with the discovery cutoffs requires that motions to compel be filed  
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1 and heard sufficiently in advance of the cutoff so that the Court may grant effective relief  
2 within the allotted discovery time. A party's failure to have a discovery dispute heard  
3 sufficiently in advance of the discovery cutoff may result in denial of the motion as  
4 untimely. The parties are encouraged to work cooperatively to complete the discovery in this  
5 case. Once sufficient discovery has been exchanged, the parties may contact the Court to  
6 conduct a settlement conference to facilitate the early resolution of this action.

7        Additionally, as noted above, the Court modified the filing deadline for **dispositive**  
8 **motions to January 30, 2015** to allow ample time for the resolution of dispositive motions  
9 prior to the pretrial conference.

10 Finally, all other orders in the scheduling order remain issued on August 6, 2014  
11 (Doc. 26) remain in full force and effect.

IT IS SO ORDERED.

Dated: **September 16, 2015**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE