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11 Attorneys for Defendant and Counter and Cross-
12 Claimant
CVIN. LLC

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
15 FRESNO DIVISION

16 MP NEXLEVEL of California, Inc.,
17 Plaintiff,
18 vs.
19 CVIN, LLC dba VAST NETWORKS,
CALAVERAS COMMUNICATIONS
20 COMPANY, CAL-ORE TELEPHONE
CO., CONSOLIDATED
21 COMMUNICATIONS HOLDINGS, INC.,
DUCOR TELEPHONE COMPANY,
22 MOHAVE INVESTMENT, LLC,
SEBASTIAN ENTERPRISES, INC.,
23 SIERRA TEL BROADBAND, SIERRA
TEL COMMUNICATIONS GROUP,
24 STAGELINE COMMUNICATIONS, INC.,
SUREWEST FIBER VENTURES, LLC,
25 THE PONDEROSA TELEPHONE
COMPANY, VARCOMM, INC.,
26 VARNET, INC., VOLCANO
COMMUNICATIONS COMPANY,
27 VOLCANO TELECOM, INC., and DOES 1
to 100,
28 Defendants.

Case No. 1:14-cv-00288-LJO-GSA
STIPULATION TO CONTINUE TRIAL
AND RELATED DATES IN
SCHEDULING CONFERENCE ORDER
PURSUANT TO AUGUST 20, 2015
MINUTE ORDER; ORDER
Date Action Filed: February 28, 2014
Trial Date: September 20, 2016

1 AND RELATED COUNTER, CROSS-,
2 AND THIRD-PARTY CLAIMS.

3
4 WHEREAS COUNSEL for Defendant and Counter and Cross-Claimant, CVIN,
5 LLC, plaintiff, MP Nexlevel of California, Inc., Third-Party Defendant Western Surety
6 Company, Defendants, Calaveras Communications Company, Cal-Ore Telephone Co.,
7 Consolidated Communications Holdings, Inc., Ducor Telephone Company, Mohave
8 Investment, LLC, Sebastian Enterprises, Inc., Sierra Tel Broadband, Sierra Tel
9 Communications Group, Stageline Communications, Inc., Surewest Fiber Ventures, LLC,
10 The Ponderosa Telephone Company, Varcomm, Inc., Varnet, Inc., Volcano
11 Communications Company, and Volcano Telecom, Inc. , Third-Party Defendant and
12 Cross-Claimant, JK Communications & Construction, Inc. dba Kleven Construction; and
13 Defendant, George Valentez (collectively, the “Parties”), have met and conferred by
14 telephone regarding the subject-matter of this Stipulation and reached agreement thereto;

15 IT IS HEREBY STIPULATED by and between the Parties, by and through their
16 counsel of record, that good cause exists for the extension of the scheduling order, and
17 pursuant to F.R.C.P. 16(b)(4), F.R.C.P. 6, and Local Rule 144, that an approximately 100
18 day continuance of the deadlines set forth in the Court’s January 22, 2015 Scheduling
19 Conference Order is necessary and appropriate. Due to the above and the Court’s trial
20 schedule set forth in its August 20, 2015 Minute Order, the parties propose the following
21 new deadlines, or similar dates convenient to the court:

Existing Deadlines:	New (Proposed) Deadlines Reflecting 8-20-15 Minute Order:
<u>Expert Disclosure:</u>	
October 1, 2015 (Affirm.)	January 11, 2016
November 16, 2015 (Defenses)	February 24, 2016
<u>Rebuttal Expert Disclosure:</u>	
January 11, 2016	April 20, 2016

1	<u>1-Day Mediation (to be scheduled</u>	
2	<u>during proposed period):</u>	
3	(N/A)	April 20, 2016 – May 20, 2016
4	<u>Expert Discovery Cutoff:</u>	
5	March 31, 2016	August 11, 2016
6	<u>Nonexpert Discovery Cutoff:</u>	
7	March 31, 2016	August 11, 2016
8	<u>Nondispositive Motion Filing</u>	
9	<u>Deadline:</u>	
10	March 31, 2016	August 15, 2016
11	<u>Dispositive Motion Filing</u>	
12	<u>Deadline:</u>	
13	May 6, 2016	August 15, 2016
14	<u>2nd Day Mediation (if necessary; to</u>	
15	<u>be scheduled during proposed period):</u>	
16	(N/A)	September 2016
17	<u>Pretrial Conference:</u>	
18	July 28, 2016	May 25, 2017
19	<u>Jury & Bench Trials:</u>	
20	September 20, 2016	July 25, 2017

22 **IT IS SO STIPULATED.**

23 Dated: August 31, 2015

RUTAN & TUCKER, LLP

25 By: /s/William T. Eliopoulos
 26 William T. Eliopoulos
 27 Attorneys for Defendant,
 28 Counterclaimant and Cross-Complainant
 CVIN, LLC

1 Dated: Signature authorized August 28, 2015 **DEWITT MACKALL CROUNSE &**
2 **MOORE S.C.**

3
4 By: /s/Holly J. Newman

5 Holly J. Newman
6 James D. Kremer,
7 Attorneys for Plaintiff
8 MP NEXLEVEL OF CALIFORNIA,
9 INC.
10 and Third-Party Defendant
11 WESTERN SURETY COMPANY

12 Dated: Signature authorized August 28, 2015 **TROUTMAN SANDERS LLP**

13 By: /s/Dean A. Morehous

14 Dean A. Morehous
15 Craig Crockett
16 Attorneys for Defendants:
17 CALAVERAS COMMUNICATIONS
18 COMPANY, CAL-ORE TELEPHONE
19 CO., CONSOLIDATED
20 COMMUNICATIONS HOLDINGS,
21 INC., DUCOR TELEPHONE
22 COMPANY, MOHAVE INVESTMENT,
23 LLC, SEBASTIAN ENTERPRISES,
24 INC., SIERRA TEL BROADBAND,
25 SIERRA TEL COMMUNICATIONS
26 GROUP, STAGELINE
27 COMMUNICATIONS, INC.,
28 SUREWEST FIBER VENTURES, LLC,
THE PONDEROSA TELEPHONE
COMPANY, VARCOMM, INC.,
VARNET, INC., VOLCANO
COMMUNICATIONS COMPANY, and
VOLCANO TELECOM, INC.

Dated: Signature authorized August 28, 2015 **ROGERS JOSEPH O'DONNELL**

By: /s/Joseph C. McCowan, Jr.

Joseph C. McCowan, Jr.
Tyson Arbuthnot
Attorneys for Third-Party Defendant and
Cross-Claimant
JK COMMUNICATIONS &
CONSTRUCTION, INC. dba KLEVEN
CONSTRUCTION

1 Dated: Signature authorized August 28, 2015. **THE ALBERTS FIRM, APC**

2
3 By: /s/David A. Brewster

4 David A. Brewster
5 Attorneys for Defendant
6 GEORGE VALENTINEZ

7 **ORDER**

8 The Court, having considered the above stipulation and the procedural posture of
9 the case, and good cause appearing, amends the scheduling order in this case as follows:

10 Event	11 Current Deadline	12 Stipulated Deadline
13 Expert Disclosure	14 October 1, 2015 (Affirmative) November 16, 2015 (Defenses)	15 January 11, 2016 (Affirmative) February 24, 2016 (Defenses)
16 Rebuttal Expert Disclosure	17 January 11, 2016	18 April 20, 2016
19 One Day Mediation	20 N/A	21 To be agreed upon date between April 20, 2016 and May 20, 2016
22 Expert Discovery Cutoff	23 March 31, 2016	24 August 11, 2016
25 Non-expert Discovery Cutoff	26 March 31, 2016	27 August 11, 2016
28 Nondispositive Motion Filing Deadline	March 31, 2016	August 15, 2016
Dispositive Motion Filing Deadline	May 6, 2016	August 15, 2016
Mediation	N/A	To be agreed upon date in September 2016
Pre-Trial Conference	July 28, 2016	May 25, 2017
Trial	September 20, 2016	July 25, 2017

26 IT IS SO ORDERED.

27 Dated: September 1, 2015

28 /s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

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