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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, ET  
AL,  
20 Defendants.  
21

Case No. 1:14-cv-00288-LJO-GSA  
**STIPULATION TO CONTINUE  
VARIOUS PRE-TRIAL DATES; AND  
ORDER**

Date Action Filed: February 28, 2014  
Trial Date: July 25, 2017

22 AND RELATED COUNTER, CROSS-,  
23 AND THIRD-PARTY CLAIMS.

24 WHEREAS Plaintiff MP Nexlevel of California, Inc. (“MPN”) has requested  
25 modification and extension of existing case deadlines for the completion of discovery and  
26 the filing of motions as a result of Defendant CVIN, LLC’s (“CVIN”) delayed production  
27 of emails for the document production supplementation deadlines set forth in the Court’s  
28

1 March 2, 2016 discovery Order;

2 WHEREAS counsel for MPN and CVIN agreed to the extension of dates set forth  
3 herein before and during an informal discovery conference with Magistrate Judge Grosjean  
4 on June 7, 2016, during which Judge Grosjean indicated that good cause existed for an  
5 extension of the discovery and motion filing deadlines, and that such deadlines could and  
6 should be extended provided the May 25, 2017 Pretrial Conference and July 25, 2017 Trial  
7 date remain unchanged and the modified schedule included at least ninety days between  
8 the motions filing deadlines and the May 25, 2017 Pretrial Conference;

9 WHEREAS CVIN has represented that it intends to complete the supplemental  
10 production required under the March 2, 2016 discovery Order by July 22, 2016;

11 WHEREAS MPN maintains that its ability to conduct and complete required  
12 depositions and other discovery by the modified deadlines set forth herein is dependent on  
13 CVIN's completion of the Court ordered supplemental production by no later than July 22,  
14 2016;

15 WHEREAS in response to the Court's Minute Order of June 7, 2016 (Doc 349)  
16 counsel for Defendant and Counter and Cross-Claimant, CVIN, LLC, Plaintiff, MP  
17 Nexlevel of California, Inc., Third-Party Defendant Western Surety Company, Defendants,  
18 Calaveras Communications Company, Cal-Ore Telephone Co., Consolidated  
19 Communications Holdings, Inc., Ducor Telephone Company, Mohave Investment, LLC,  
20 Sebastian Enterprises, Inc., Sierra Tel Broadband, Sierra Tel Communications Group,  
21 Stageline Communications, Inc., Surewest Fiber Ventures, LLC, The Ponderosa Telephone  
22 Company, Varcomm, Inc., Varnet, Inc., Volcano Communications Company, and Volcano  
23 Telecom, Inc., Third-Party Defendant and Cross-Claimant, JK Communications &  
24 Construction, Inc. dba Kleven Construction; and Defendant, George Valentez  
25 (collectively, the "Parties"), met and conferred regarding the subject-matter of this  
26 Stipulation and reached agreement thereto;

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1 IT IS HEREBY STIPULATED by and between the Parties, by and through their  
2 counsel of record, that good cause exists for the extension of the pre-trial dates noted  
3 below:

<u>Existing Deadlines (Doc 257)</u>	<u>New (Proposed) Deadlines</u>
<u>Expert Discovery Cutoff:</u>	
August 11, 2016	January 20, 2017
<u>Nonexpert Discovery Cutoff:</u>	
August 11, 2016	January 20, 2017
<u>Nondispositive Motion Filing</u>	
<u>Deadline:</u>	
August 15, 2016	February 17, 2017
<u>Dispositive Motion Filing</u>	
<u>Deadline:</u>	
August 15, 2016	February 17, 2017
<u>2<sup>nd</sup> Day Mediation:</u>	
September 2016	No Change
<u>Pretrial Conference:</u>	
May 25, 2017	No Change.
<u>Jury &amp; Bench Trials:</u>	
July 25, 2017	No Change.

21 The parties hereto reserve all rights and arguments relating to these extensions on  
22 MP Nexlevel's motion to compel and for sanctions against CVIN, currently scheduled for  
23 hearing on July 22, 2017.

24 **IT IS SO STIPULATED.**

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1 Dated: June 21, 2016

**RUTAN & TUCKER, LLP**

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

Dated: Signature authorized June 21, 2016

**DEWITT MACKALL CROUNSE &  
MOORE S.C.**

By:           /s/ James D. Kremer  
Holly J. Newman  
James D. Kremer,  
Attorneys for Plaintiff  
MP NEXLEVEL OF CALIFORNIA,  
INC.  
and Third-Party Defendant  
WESTERN SURETY COMPANY

Dated: Signature authorized June 21, 2016

**TROUTMAN SANDERS LLP**

By:           /s/ Dean A. Morehous  
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Craig Crockett  
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COMPANY, MOHAVE INVESTMENT,  
LLC, SEBASTIAN ENTERPRISES,  
INC., SIERRA TEL BROADBAND,  
SIERRA TEL COMMUNICATIONS  
GROUP, STAGELINE  
COMMUNICATIONS, INC.,  
SUREWEST FIBER VENTURES, LLC,  
THE PONDEROSA TELEPHONE  
COMPANY, VARCOMM, INC.,  
VARNET, INC., VOLCANO  
COMMUNICATIONS COMPANY, and  
VOLCANO TELECOM, INC.

1 Dated: Signature authorized June 21, 2016 **ROGERS JOSEPH O'DONNELL**

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By:           /s/ Joseph C. McGowan, Jr.  
Joseph C. McGowan, Jr.  
Tyson Arbuthnot  
Attorneys for Third-Party Defendant and  
Cross-Claimant  
JK COMMUNICATIONS &  
CONSTRUCTION, INC. dba KLEVEN  
CONSTRUCTION

Dated: Signature authorized June 21, 2016 **THE ALBERTS FIRM, APC**

By:           /s/ David A. Brewster  
David A. Brewster  
Attorneys for Defendant  
GEORGE VALENTINEZ

**ORDER**

The Court has reviewed the stipulation and adopts it IN PART. All dates are adopted except that the filing deadline for non-dispositive motions is advanced to January 20, 2017. The parties are advised that all non-dispositive motions, including discovery motions, must be filed sufficiently in advance of the non-dispositive motion cutoff so that the Court may grant effective relief within the allotted time period. A party's failure to have a discovery dispute heard sufficiently in advance of the non-dispositive motion filing deadline may result in a denial of the motion as untimely. The dates in the scheduling orders dated January 22 and September 2, 2015 (Docs. 157 and 257) are modified as follows :

- Expert Discovery Cutoff: January 20, 2017
- Nonexpert Discovery Cutoff: January 20, 2017
- Nondispositive Motion Filing January 20, 2017
- Dispositive Motion Filing February 17, 2017
- Pretrial Conference: May 25, 2017 at 8:15 in Dept. 4
- Jury & Bench Trials: July 25, 2017 at 8:30 in Dept. 4

All other orders in the scheduling order issued on January 22, 2015 (Doc. 157) remain in full force and effect.

IT IS SO ORDERED.

Dated: June 22, 2016

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE