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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, ET
AL,
20 Defendants.
21

Case No. 1:14-cv-00288-LJO-GSA

**STIPULATION TO CONTINUE
DISCOVERY DEADLINES PER ORDER
ON MOTION TO BIFURCATE; AND
ORDER**

Licensure Trial: January 4, 2017
Trial: July 25, 2017
Date Action Filed: February 28, 2014

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

24
25 WHEREAS on October 5, 2016, the United States District Court for the Eastern
26 District of California, Hon. Lawrence J. O’Neill, presiding (the “Court”) granted CVIN,
27 LLC’s (“CVIN”) request to bifurcate and hold a brief trial on the status of MP Nexlevel of
28 California, Inc.’s (“MP”) contractor’s license (the “Licensure Trial”). Doc. 408,

1 Memorandum Decision and Order re Plaintiff’s Motion for Judgment and Defendant’s
2 Motion to Bifurcate (the “Order”);

3
4 WHEREAS, on October 14, 2016, in compliance with the Order, the parties
5 submitted the Joint Status Report Re: Available Dates for Bifurcated Trial Re: Sufficiency
6 of MP’s Class A License (Doc. 410), setting forth alternative dates for the Licensure Trial;

7 WHEREAS, on October 20, 2016, the Court ordered the Licensure Trial to take
8 place from January 4 through 11, 2017;

9
10 WHEREAS, Pursuant to the Court’s October 5 Order, the undersigned parties have
11 further met and conferred with regard to the scope and timing of discovery in this matter,
12 and the impact that said discovery may have on existing case deadlines in light of the
13 January 4, 2017 Licensure Trial. The undersigned parties have agreed to conduct
14 bifurcated discovery to allow the parties to take discovery related to MP’s licensure in
15 advance of the Licensure Trial, and, to the extent necessary, complete non-licensure
16 related discovery after the Licensure Trial. Accordingly, IT IS HEREBY STIPULATED
17 by and between the parties, by and through their counsel of record, that good cause exists
18 for the extension of the discovery deadlines noted below:

<u>Existing Deadlines (Doc. 372)</u>	<u>New (Proposed) Deadlines</u>
<u>Expert Discovery Cutoff</u>	
January 20, 2017	March 17, 2017
<u>Nonexpert Discovery Cutoff</u>	
January 20, 2017	March 17, 2017
<u>Nondispositive Motion Filing Deadline</u>	
January 20, 2017	March 24, 2017
<u>Dispositive Motion Filing Deadline</u>	
February 17, 2017	March 24, 2017
<u>2nd Day Mediation</u>	

1 September 2016

November 2016

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3 Pretrial Conference

4 May 25, 2017

No Change

5 Jury & Bench Trials

6 July 25, 2017

No Change

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8 **IT IS SO STIPULATED.**

9 Dated: October 31, 2016

RUTAN & TUCKER, LLP

10

11

By: /s/ William T. Eliopoulos

12

William T. Eliopoulos
Attorneys for Defendant,
Counterclaimant and Cross-Complainant
CVIN, LLC

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14

15 Dated: Signature auth. October 31, 2016

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

16

17

By: /s/ Holly J. Newman

18

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

19

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22

23 Dated: Signature auth. October 31, 2016 **TROUTMAN SANDERS LLP**

24

25

By: /s/ Dean A. Morehouse

26

Dean A. Morehouse
Craig Crockett
Attorneys for Defendants:
CALAVERAS COMMUNICATIONS
COMPANY, CAL-ORE TELEPHONE
CO., CONSOLIDATED
COMMUNICATIONS HOLDINGS,
INC., DUCOR TELEPHONE

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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.

Dated: Signature auth. October 31, 2016

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

Dated: Signature auth. October 31, 2016

THE ALBERTS FIRM, APC

By: /s/ David A. Brewster

David A. Brewster
Attorneys for Defendant
GEORGE VALENTINEZ

1 **Order**

2 Pursuant to the above Stipulation of the parties, and good cause appearing, it is hereby
3 ordered that the Scheduling Conference Order be modified as follows:

	<u>Current Dates/Deadlines</u>	<u>New Dates/Deadlines</u>
Non-Expert Discovery Cutoff	January 20, 2017	February 24, 2017
Non-Dispositive Motion Cutoff	January 20, 2017	February 24, 2017
Mediation	September 2016	November 2016
Expert Discovery Cutoff	January 20, 2017	March 17, 2017
Dispositive Motion Deadline	February 17, 2017	April 7, 2017*
Pretrial Conference	May 25, 2017	Unchanged
Trial	July 25, 2017	Unchanged

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9 Dispositive motions must be heard sufficiently in advance of the parties' pretrial
10 conference to ensure that the pretrial conference is productive. Any dispositive motion must thus
11 be *noticed for a hearing date* no later than **April 7, 2017**, rather than merely filed by that date.
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13 IT IS SO ORDERED.

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15 Dated: November 1, 2016

16 /s/ Eric P. Grogan
17 UNITED STATES MAGISTRATE JUDGE
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