

1 Kirin K. Virk, State Bar No. 221369
2 Brandy L. Barnes, State Bar No. 299080
3 DAMRELL, NELSON, SCHRIMP,
4 PALLIOS, PACHER & SILVA
5 1601 I Street, Fifth Floor
6 Modesto, CA 95354
7 Telephone: (209) 526-3500
8 Facsimile: (209) 526-3534

9 Counsel for Plaintiffs, L. Stephen Endsley
10 and Endsley Kiernan L.P.

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

13 L. STEPHEN ENDSLEY,

14 Plaintiff,

15 vs.

16 TRAVELERS PROPERTY CASUALTY
17 INSURANCE COMPANY and DOES 1
18 through 100,

19 Defendant.

Case No. 1:14-cv-00346-LJO-GSA
Related Case: 1:14-CV-00671-JLO-GSA

**STIPULATION REGARDING THE
SCHEDULING OF DEPOSITIONS OF
DEFENDANT’S AGENTS AND ORDER
THEREON**

Trial Date: February 23, 2016

(ECF No. 35)

20 WHEREAS on May 28, 2015, Plaintiffs filed an Ex Parte Application For Order Shortening
21 Time To Hear Their Motion To Compel the taking of depositions of Defendant’s employees as follows:

22 Michelle Cardinale- Tuesday, June 9th

23 Adam Robinson- Wednesday, June 10th

24 Patricia Trawick- Thursday, June 11th

25 Michael Baker- Tuesday, June 16th

26 Renee Collins- Wednesday, June 17th

27 Plaintiffs also sought to compel the taking of depositions of Mr. Robinson and Ms. Collins in
28 Modesto, California;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREAS the Honorable Gary S. Austin granted an Order Shortening Time to hear Plaintiffs’ Motion to Compel on June 5, 2015 and scheduled an informal telephonic conference with counsel for the Parties on June 4, 2015;

WHEREAS on June 4, 2015, the Honorable Gary S. Austin convened an informal telephonic conference with Plaintiffs’ counsel, Kirin K. Virk and Brandy L. Barnes, and Defendant’s counsel, Edward Murphy, and ordered the Parties to inform the Court by 3:00 p.m. as to whether they were able to informally resolve the scheduling of Defendant’s employees depositions and the locations for the depositions of Mr. Robinson and Ms. Collins;

WHEREAS on June 4, 2015, the Parties agreed to the following schedule for the taking of depositions of Defendant’s employees:

A. The following depositions to be conducted at 9:00 a.m. at the Modesto office of Damrell, Nelson, Schrimp, Pallios, Pacher & Silva:

- 1. Michelle Cardinale- Wednesday, June 24th
- 2. Patricia Trawick- Thursday, June 25th
- 3. Mike Baker- Friday, June 26th

B. The Parties agreed that the depositions of Mr. Robinson and Ms. Collins would be taken during the week of July 20th, with Mr. Robinson’s deposition preceding that of Ms. Collins and that they would be deposed, respectively, in Connecticut and Georgia and /or by video conference at the election of Plaintiffs’ counsel.

1. The Parties have subsequently clarified and agreed that the deposition of Mr. Robinson will be taken by Plaintiffs’ counsel in Hartford, Connecticut and/or or by video conference on Tuesday, July 21st at 9:00 a.m. and

2. The deposition of Ms. Collins will be taken by Plaintiffs’ counsel in Atlanta, Georgia and/or by video conference on Thursday, July 23rd at 9:00 a.m.

WHEREAS on June 4, 2015, Plaintiffs informed the Court that the Parties had agreed upon a deposition schedule and Plaintiffs’ Motion To Compel was taken off calendar.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

///

WE HEREBY AGREE AND CONSENT to the terms of the above Stipulation:
DAMRELL, NELSON, SCHRIMP,
PALLIOS, PACHER & SILVA

Dated: June 11, 2015

By /s/ Kirin K. Virk
Kirin K. Virk
Attorney for Plaintiffs
L. Stephen Endsley and Endsley Kiernan,
L.P.

FORAN GLENNON PALANDECH
PONZI & RUDLOFF PC

Dated: June 10, 2015

By /s/ Edward P. Murphy
G. Edward Rudloff, Jr.
Edward P. Murphy
Jennifer N. Wahlgren
Attorneys For Defendant Travelers Property
Casualty Insurance Company

ORDER

The Court has reviewed and adopts the above Stipulation regarding the taking of Defendant's employees' depositions. The above schedule may only be modified by mutual agreement of counsel and/or by Court order. The terms of the Stipulation resolve the disputes between the parties raised in the Motion to Compel (ECF No. 35). Thus, the Motion to Compel is DENIED as moot.

IT IS SO ORDERED.

Dated: June 11, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE