## 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 BAKERSFIELD PIPE & SUPPLY, Case No.: 1:14-cv-01445 JLT 12 Plaintiff, ORDER GRANTING IN PART STIPULATION TO AMEND THE SCHEDULING ORDER AND 13 v. PRELIMINARY PRETRIAL ORDER 14 CORNERSTONE VALVE, LLC, et al., (Doc. 39) 15 Defendants. 16 On March 24, 2016, Defendants filed an ex parte application seeking an extension of time to 17 18 complete expert discovery. (Doc. 41-1) However, the scheduling order requires the moving party to 19 seek an informal conference with the Court before the party may file any motion related to discovery. 20 (Doc. 17 at 3-4) Thus, the Court initiated and held the informal conference on March 28, 2016. 21 At the conference, the Court learned that defense counsel had not spoken to his experts to 22 determine their availability during the three-week extension of time sought in the motion. Moreover, 23 if the Court grants an extension, Plaintiff's attorney likewise would need to discuss availability with 24 their experts. Thus, the Court **ORDERS**: 25 1. No later than close of business today, counsel SHALL obtain dates that their experts 26 and they are available between April 5 and April 29, 2016. No later than noon on March 29, 2016, 27

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<sup>&</sup>lt;sup>1</sup> Notably, Defendants fail to show why they believed that the motion could or should be heard ex parte. L.R. 230.

<sup>2</sup> Neither side may insist that their opponent's experts will be taken first. Fed. R. Div. P. 26(d)(3). Likewise, neither side is

permitted to reject a proposed date merely because a party wishes to be present for the depositions. If a party wishes to be

present, he/she/it SHALL make himself/herself/itself available on dates convenient to the deponents and counsel.