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18 **UNITED STATES DISTRICT COURT**
19 **EASTERN DISTRICT OF CALIFORNIA**

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21 RODOLFO BARRETO RAMIREZ

22 Plaintiff,

23 v.

24 AMERICOLD LOGISTICS; AND DOES 1
THROUGH 100, INCLUSIVE

25 Defendant.
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Case No. 1:14-cv-01695-SKO

**STIPULATION TO MODIFY THE
SCHEDULING ORDER TO EXTEND THE
NON-EXPERT DISCOVERY DEADLINE;
DECLARATION OF JILL V.
CARTWRIGHT IN SUPPORT THEREOF;
[PROPOSED] ORDER**

Complaint Filed: August 11, 2014
Trial Date: June 28, 2016
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Case No. 1:14-cv-01695-SKO

STIPULATION TO MODIFY THE SCHEDULING ORDER TO EXTEND THE
NON-EXPERT DISCOVERY DEADLINE; CARTWRIGHT DECLARATION; ORDER

1 Plaintiff Rodolfo Barreto Ramirez and Defendant AmeriCold Logistics LLC, though their
2 respective counsel, respectfully request the Court modify its pretrial scheduling order (ECF No.
3 14) to extend the deadline on non-expert discovery. Good cause exists to extend the non-expert
4 discovery deadline.

5 1. The Parties request the Court extend the deadline for non-expert discovery to
6 January 1, 2016. The current deadline is October 16, 2015.

7 2. The Parties are currently attempting to schedule mediation. Based on the potential
8 mediators' schedule and the parties' schedules, mediation will likely take place in late November
9 2015. To avoid the cost of discovery while the Parties plan for and attend mediation, the Parties
10 would like to stay non-expert discovery pending completion of the mediation. The Parties believe
11 that staying mediation will help facilitate settlement. In order to stay discovery, the Parties need
12 to continue the non-expert discovery until after mediation.

13 3. Extending the non-expert discovery cut-off date will give the Parties time to
14 complete non-expert discovery if the case does not settle at mediation.

15 4. The Parties have only just been able to complete the depositions of the main
16 witnesses in the case because of the difficulty in scheduling the depositions at a convenient time
17 and date for the witnesses and counsel. The Parties delayed scheduling mediation until each Party
18 was able to complete the depositions needed to participate meaningfully in mediation.

19 5. Because of the difficulty in scheduling the depositions of the main witnesses in the
20 case, discovery was delayed and the Parties need additional time to complete all the depositions
21 necessary for trial.

22 5. Continuing the non-expert discovery date will not affect any of the other dates in
23 the Court's pretrial Scheduling Order and will not affect the trial date.

24 6. This is the Parties' first request to modify the Scheduling Order.

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1 7. Therefore, pursuant to the Court’s scheduling order (ECF No. 14) and Local Rule
2 143, the Parties hereby submit this stipulation for modification of the pretrial scheduling order
3 (ECF No. 14).

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5 DATED: October 6, 2015

RANCAÑO & RANCAÑO

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7 By: /s/ Violeta Diaz (as authorized on 10/6/15)
8 David C. Rancano
9 Tejinderpal S. Sanghera
10 Violeta Diaz

11 Attorneys for Plaintiff
12 RODOLFO BARRETO RAMIREZ

13
14 DATED: October 6, 2015

OGLETREE, DEAKINS, NASH, SMOAK &
15 STEWART, P.C.

16 By: /s/ Jill V. Cartwright
17 Stuart D. Tochner
18 Jill V. Cartwright

19 Attorneys for Defendant
20 AMERICOLD LOGISTICS, LLC
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1 **DECLARATION OF JILL V. CARTWRIGHT**

2 I, Jill V. Cartwright, declare as follows:

3 1. I am an attorney at law, duly licensed to practice in the State of California, and I
4 am an associate with the law firm of Ogletree Deakins Nash Smoak & Stewart, P.C. I am counsel
5 of record for Defendant AmeriCold Logistics LLC in the above-captioned matter. The following
6 is based on my personal knowledge, and if called upon to do so, I could and would competently
7 testify thereto.

8 2. I submit this declaration in accordance with the Court's Scheduling Order (ECF
9 No. 14), which states that stipulations to continue the dates in the Scheduling Order should be
10 accompanied by affidavits or declarations.

11 3. The Parties are currently attempting to schedule mediation. Based on the potential
12 mediators' schedule and the parties' schedules, mediation will likely take place in late November
13 2015. To avoid the cost of discovery while the Parties plan for and attend mediation, the Parties
14 would like to stay non-expert discovery pending completion of the mediation. I believe that
15 staying mediation will help facilitate settlement because it will save on discovery costs. In order
16 to stay discovery, the Parties need to continue the non-expert discovery until after mediation.

17 4. Extending the non-expert discovery cut-off date will give the Parties time to
18 complete non-expert discovery if the case does not settle at mediation.

19 5. The Parties have only just been able to complete the depositions of the main
20 witnesses in the case because of the difficulty in scheduling the depositions at a convenient time
21 and date for the witnesses and counsel. The Parties delayed scheduling mediation until each Party
22 was able to complete the depositions needed to participate meaningfully in mediation.

23 6. Because of the difficulty in scheduling the depositions of the main witnesses in the
24 case, discovery was delayed and the Parties need additional time to complete all the depositions
25 necessary for trial.

26 7. Continuing the non-expert discovery date to January 1, 2016 will not affect any of
27 the other dates in the Court's pretrial Scheduling Order and will not affect the trial date.

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1 **ORDER**

2 Based on the parties' stipulation (Doc. 15), the Court modifies the February 12, 2015,
3 scheduling order to grant the parties an extension of time to designate experts and supplemental
4 experts. All other dates remain as set in the Court's February 12, 2015, scheduling order.
5 (Doc. 14.)

6 Accordingly, discovery deadlines and motion filing deadlines are continued as follows:

7 Settlement Conference: **November 23, 2015, at 10:00 a.m., Ctrm 9 (SAB)**

8 **before Magistrate Judge Stanley A. Boone**

9 Non-Expert Discovery cutoff: **January 1, 2016**

10 Expert Disclosure: **January 23, 2016**

11 Supplemental Expert Disclosure: **February 6, 2016**

12 Expert Discovery cutoff: **February 20, 2016**

13 Non Dispositive Motions:

14 Filing: **March 1, 2016**

15 Hearing: **March 30, 2016**

16 Dispositive Motions:

17 Filing: **March 1, 2016**

18 Hearing: **April 6, 2016**

19 Pre-Trial Conference: **May 18, 2016, at 2:00 p.m., Ctrm 7**

20 Trial: **June 28, 2016, at 8:30 a.m., in Ctrm 7**

21 IT IS SO ORDERED.

22 Dated: **October 9, 2015**

23 **/s/ Sheila K. Oberto**
24 UNITED STATES MAGISTRATE JUDGE