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12
13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
15 FRESNO DIVISION

16 LAURA GUTILLA,

17 Plaintiff,

18 v.

19 AEROTEK, INC., a corporation; and
20 DOES 1-100 inclusive,

21 Defendants.

Case No. 1:15-CV-00191-DAD-BAM

**STIPULATION AND ORDER FOR
EXTENSION OF DISCOVERY AND
MOTION DEADLINES AND FOR
CONTINUANCE OF TRIAL DATE**

Complaint Filed: December 31, 2014

Trial Date: November 8, 2016

22 Pursuant to Eastern District of California Local Rule 144, Plaintiff Laura Gutilla (“Gutilla”) and Defendant Aerotek, Inc. (“Defendant”) (collectively, the “Parties”), by and through undersigned counsel of record file this joint stipulation and request the following relief:

23 WHEREAS, with this Joint Stipulation, the Parties request that the Court extend all
24 discovery and pre-trial motion deadlines and the trial date set in the Scheduling Order and Order
25 Granting Joint Stipulation for Extension of Discovery and Motion Deadlines (“Extension Order”) to
26 allow sufficient time for the Parties to continue their discovery and participate in mediation in a
27 good-faith attempt to resolve this matter short of trial. The facts supporting this Stipulation are set
28 forth below and in the attached Declaration of Vladimir J. Kozina (“Kozina Decl.”)

1 WHEREAS the following deadlines have been set by the Court pursuant to the Scheduling
2 Conference Order filed on May 7, 2015, (Dkt #9) and the Extension Order (Dkt #15):

- 3 • Expert Disclosures: February 26, 2016
- 4 • Supplemental Expert Disclosures: March 25, 2016
- 5 • Non-expert Discovery: May 6, 2016
- 6 • Expert Discovery: June 3, 2016
- 7 • Dispositive Filing: June 10, 2016
- 8 • Settlement Conference: August 23, 2016
- 9 • Pre-Trial Conference: September 15, 2016
- 10 • Trial: November 6, 2016

11 WHEREAS, on December 2, 2015, the Court granted Defendant’s request to substitute
12 Morgan Lewis & Bockius LLP and John S. Battenfeld and Shannon B. Nakabayashi as attorneys of
13 record in place and instead of Littler Mendelson, P.C. and Michael Warren (Dkt. #11).

14 WHEREAS, on January 5, 2016, and again on January 7, 2016, the parties met and conferred
15 and agreed to stipulate to additional time to complete fact and to address outstanding discovery
16 disputes. Kozina Decl. ¶2.

17 WHEREAS, written discovery has been exchanged between the parties but the parties
18 continue to meet and confer regarding certain discovery issues, including discovery relating to
19 Plaintiff’s the Labor Code Private Attorney General Act (“PAGA”) claim. Kozina Decl., ¶3.

20 WHEREAS, as a result of the Parties’ continued efforts to meet and confer and seek
21 resolution of the claims in this matter, the Parties have agreed to engage in private mediation with
22 Jeffrey A. Ross, Esq. of Oakland, California in good faith. Kozina Decl., ¶4.

23 WHEREAS, on April 1, 2016, the parties met and conferred and stipulated to an extension of
24 all deadlines currently set forth in this case, including the trial date, to permit the Parties to engage in
25 mediation with sufficient time to conduct additional discovery as may be necessary should mediation
26 not resolve the matter. Kozina Decl., ¶5.

27 WHEREAS, Mr. Ross’ earliest availability is not until August 2016. Lead counsel for
28 Defendant, John Battenfeld, is scheduled to be in a lengthy arbitration in the matter of *Andrade v.*

1 *P.F. Chang's Chinese Bistro, Inc.*, AAA Case No. 73 20 1300 0475 during the month of August. As
2 a result, the parties have reserved a mediation date with Mr. Ross in September and asked to be
3 notified if any earlier dates become available.

4 WHEREAS, the Court has previously granted one continuance of the pre-trial deadlines.
5 (Dkt #15).

6 WHEREAS, the Parties agree that continuance of the current pre-trial deadlines and trial date
7 will not prejudice the Parties and will permit the Parties to engage in private mediation in good faith.

8 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and through the Parties'
9 respective counsel as follows:

10 The Parties jointly request that the dates set forth in the Court's Scheduling Order and
11 Extension Order be extended as follows:

- 12 • Expert Disclosures: October 5, 2016
- 13 • Supplemental Expert Disclosures: November 8, 2016
- 14 • Non-expert Discovery: November 4, 2016
- 15 • Expert Discovery: November 18, 2016
- 16 • Dispositive Filing: December 2, 2016
- 17 • Settlement Conference: December 1, 2016 at 9:30 a.m.
- 18 • Pre-Trial Conference: January 9, 2017
- 19 • Trial: March 7, 2017

20 FOR GOOD CAUSE SHOWN, IT IS SO STIPULATED.

21 DATED: April 21, 2016

MAYALL HURLEY, P.C.

22 By /s/ Vladimir J. Kozina
23 Robert J. Wasserman
24 Vladimir J. Kozina
Attorneys for Plaintiff

25 DATED: April 21, 2016

MORGAN, LEWIS & BOCKIUS LLP

26 By /s/ Shannon B. Nakabayashi
27 John S. Battenfeld
28 Shannon B. Nakabayashi
Attorneys for Defendant

1 **ORDER**

2 Pursuant to Eastern District of California Local Rule 144, stipulation of the parties hereto,
3 and good cause appearing, **IT IS HEREBY ORDERED** as follows:

4 The current pre-trial deadlines and trial date are hereby vacated and the new deadlines and
5 trial date are as follows:

- 6 • Expert Disclosures: October 5, 2016
- 7 • Supplemental Expert Disclosures: November 8, 2016
- 8 • Non-expert Discovery: November 4, 2016
- 9 • Expert Discovery: November 18, 2016
- 10 • Dispositive Filing: December 2, 2016
- 11 • Settlement Conference: **December 1, 2016, at 9:30am** before Magistrate
12 Judge Barbara A. McAuliffe
- 13 • Pre-Trial Conference: **March 6, 2017, at 3:30pm** before District Judge Dale
14 A. Drozd
- 15 • Trial: **May 2, 2017, at 1:00pm** before District Judge Dale A. Drozd

16 IT IS SO ORDERED.

17 Dated: April 25, 2016

18 
19 _____
20 UNITED STATES DISTRICT JUDGE