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11 MICHAEL MARTIN

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14

15 MICHAEL MARTIN,

16 Plaintiff,

17 vs.

18 STATE FARM MUTUAL AUTOMOBILE
19 INSURANCE COMPANY; and DOES 1
through 25,

20 Defendants.
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CASE NO. 1:16-CV-00338-LJO-MJS

**STIPULATION TO PARTIALLY REVISE
THE COURT'S SCHEDULING ORDER**

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1 Plaintiff Michael Martin and State Farm Mutual Automobile Insurance Company (“State
2 Farm”), by and through their respective counsel, hereby stipulate to revise the Court’s June 17,
3 2016 Scheduling Order (Dkt. 9), as partially revised (Dkt 13), as follows:

4 **I. RECITALS**

5 1. This action arises out of State Farm’s denial of plaintiff, Michael Martin’s
6 motorcycle theft claim under a State Farm auto policy.

7 2. State Farm still has not been able to locate a significant third party witness, named
8 John Baldizan, for purposes of serving a deposition and document subpoena. Mr. Baldizan
9 appraised the motorcycle at issue before the theft, and his appraisal is a significant issue in the
10 lawsuit. State Farm has made diligent efforts to locate Mr. Baldizan throughout both the
11 investigation of plaintiff’s claim and throughout the discovery process in this litigation. State
12 Farm’s private investigator has continued to attempt to locate Mr. Baldizan, thus far to no avail.
13 Mr. Baldizan’s testimony could significantly impact the scope of further discovery, and could
14 facilitate resolution of this matter.

15 3. If State Farm is unable to locate Mr. Baldizan within the discovery cutoff set forth in
16 this stipulation, State Farm will not request another continuance of these deadlines.

17 4. The parties do not seek to continue any dates or deadlines other than fact and expert
18 discovery.

19 **II. STIPULATION**

20 The parties hereby stipulate, and request approval of the following revisions to the Court’s
21 Scheduling Order:

Event	Current Deadline	Requested New Deadline
1. Non-Expert Discovery Cut-Off	March 6, 2017	April 6, 2017
2. Expert Disclosure	April 7, 2017	May 8, 2017
26 3. Supplemental/Rebuttal 27 Expert Disclosure	April 14, 2017	May 15, 2017
28 4. Expert Discovery Cut-Off	June 1, 2017	June 16, 2017

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5. Non-Dispositive Motion Filing Deadline	May 1, 2017	Unchanged
6. Dispositive Motion Filing Deadline	May 22, 2017	Unchanged
7. Dispositive Motion Hearing Date	June 28, 2017	Unchanged
8. Pretrial Conference	August 15, 2017	Unchanged
9. Jury Trial	September 26, 2017	Unchanged

All other deadlines in the case to remain the same, including the dispositive motion deadline, pretrial conference, and trial.

Dated: February 21, 2017

HAYES SCOTT BONINO ELLINGSON & McLAY, LLP

By /S/ Stephen P. Ellingson
STEPHEN M. HAYES
STEPHEN P. ELLINGSON
TYLER R. AUSTIN
Attorneys for Defendant
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

Dated: February 21, 2017

LAW OFFICES OF JASON A. POLLACK

By /S/ Jason A. Pollack
JASON A. POLLACK
Attorney for Plaintiff
MICHAEL MARTIN

1 **ORDER**

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3 The Court, having reviewed the parties' Stipulation to Partially Revise the Court's
4 Scheduling Order, hereby **GRANTS** the parties request. The new deadlines for case 1:16-CV-
5 00338-LJO-MJS, Michael Martin v. State Farm Mutual Automobile Insurance Company are as
6 follows:

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Event	Current Deadline	Requested New Deadline
8 1. Non-Expert Discovery 9 Cut-Off	March 6, 2017	April 6, 2017
10 2. Expert Disclosure	April 7, 2017	May 8, 2017
11 3. Supplemental/Rebuttal 12 Expert Disclosure	April 14, 2017	May 15, 2017
13 4. Expert Discovery Cut-Off	June 1, 2017	June 16, 2017
14 5. Non-Dispositive Motion 15 Filing Deadline	May 1, 2017	Unchanged
16 6. Dispositive Motion Filing 17 Deadline	May 22, 2017	Unchanged
18 7. Dispositive Motion 19 Hearing Date	June 28, 2017	Unchanged
20 8. Pretrial Conference	August 15, 2017	Unchanged
21 9. Jury Trial	September 26, 2017	Unchanged

22 IT IS SO ORDERED.

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24 Dated: February 21, 2017

25 /s/ Michael J. Seng
26 UNITED STATES MAGISTRATE JUDGE
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