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6 Attorneys for Defendant FEDEX FREIGHT, INC.

7  
8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 ROY D. TAYLOR, on behalf of himself  
and all others similarly situated,

12 Plaintiff,

13 v.

14 FEDEX FREIGHT, INC., an Arkansas  
15 Corporation; and DOES 1 through 10,  
inclusive,

16 Defendants.  
17

Case No. 1:16-CV-00438-BAM

STIPULATION AND ORDER TO EXTEND  
TIME TO TAKE PLAINTIFF'S EXPERT'S  
DEPOSITION AND TO DESIGNATE  
SUPPLEMENTAL EXPERT ECONOMIST

Judge: Honorable Barbara A. McAuliffe

Complaint Filed: March 29, 2016

18 Plaintiff, Roy Taylor ("Plaintiff"), and Defendant, FedEx Freight, Inc. ("Defendant"), or  
19 collectively with Plaintiff, ("the Parties"), by and through their respective counsel, hereby  
20 stipulate as follows:

21 WHEREAS, the Scheduling Conference Order in this case sets the time for service of  
22 initial expert witness disclosures as no later than June 9, 2017, and supplemental expert witness  
23 disclosures as no later than June 23, 2017.

24 WHEREAS, the Scheduling Conference Order further provides that the disclosures must  
25 be made pursuant to Federal Rules of Civil Procedure section 26(a)(2)(A) and (B) and include  
26 all the information required thereunder.

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1           WHEREAS, Plaintiff timely provided the expert designation for his expert economist;  
2 however, he did not provide any of the supporting information as required under the rules and  
3 the Scheduling Conference Order.

4           WHEREAS, Plaintiff provided his expert economists' report and supporting information  
5 by email on June 28, 2017, which was five days after the date for supplemental expert witness  
6 disclosures;

7           WHEREAS, the taking of Plaintiff's expert economist's deposition at this time would  
8 likely require an updated opinion by Plaintiff's expert economist because Plaintiff will claim  
9 that his past economic damages have continued to accrue before trial;

10           WHEREAS, Defendant did not have an opportunity to timely serve a supplemental  
11 expert disclosure;

12           WHEREAS, the trial in this matter is set for January 23, 2018;

13           WHEREFORE, IT IS HEREBY STIPULATED AND AGREED that Defendant shall be  
14 allowed to take Plaintiff's economist's deposition on or before Friday, December 15, 2017;  
15 provided, further, that Defendant shall be allowed to serve its supplemental expert witness  
16 disclosure for an expert economist no later than Friday, December 29, 2017.

17           **IT IS SO STIPULATED.**

18 Dated: July 11, 2017

THE ASHWORTH LAW OFFICE

19  
20           /s/ James C. Ashworth

James C. Ashworth  
Attorneys for Plaintiff,  
ROY D. TAYLOR

21  
22  
23 Dated: July 11, 2017

LANG RICHERT & PATCH

24           /s/ Charles Trudrung Taylor

Charles Trudrung Taylor  
Attorneys for Defendant  
FEDEX FREIGHT, INC.

1 **ORDER**

2 On July 28, 2017, the Court held a telephonic status conference to discuss the above-  
3 referenced stipulation of the parties. As indicated at the conference, the Court will grant the  
4 stipulated extension of time, but will advance the dates selected by the parties. Accordingly,  
5 based on the Court's interest in managing its docket and maintaining the currently scheduled  
6 pretrial and trial dates in this matter, **IT IS HEREBY ORDERED** that Plaintiff's expert  
7 economist's deposition shall be taken on or before **October 13, 2017**; provided, further, that  
8 Defendant FedEx shall be allowed to serve its supplemental expert witness disclosure for an  
9 expert economist no later than **October 27, 2017**, with all other deadlines remaining as  
10 previously scheduled herein.

11  
12 IT IS SO ORDERED.

13 Dated: July 28, 2017

14 /s/ Barbara A. McAuliffe  
15 UNITED STATES MAGISTRATE JUDGE