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7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

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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.

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

**STIPULATION AND ORDER TO
EXTEND TIME TO TAKE
DEPOSITIONS OF JOHN DIAZ AND
JERRY DE LA FUENTE, PLAINTIFF'S
EXPERT'S DEPOSITON, AND TO
DESIGNATE SUPPLEMENTAL
EXPERT ECONOMIST**

Judge: Honorable Barbara A. McAuliffe

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18 Complaint Filed: March 29, 2016

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

23 WHEREAS, non-expert discovery cut off was June 30, 2017;

24 WHEREAS, Defendant filed a motion for summary judgment or, in the alternative,
25 partial summary judgment on July 20, 2017, and Plaintiff filed an opposition to Defendant's
26 motion on August 4, 2017;

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1 WHEREAS, in support of Plaintiff's opposition, Plaintiff provided declarations from
2 two witnesses, John Diaz and Jerry De La Fuente, whom Plaintiff was not aware of and whom
3 he had not previously disclosed pursuant to the Federal Rules of Civil Procedure, Rule 26 Initial
4 Disclosures;

5 WHEREAS, because non-expert discovery cutoff was on June 30, 2017, and because
6 Plaintiff did not disclose Mr. Diaz or Mr. De La Fuente as part of his initial disclosures,
7 Defendant would like to take their depositions before the November 9, 2017 pre-trial
8 conference;

9 WHEREAS, the Stipulation and Order to Extend Time to Take Plaintiff's Expert's
10 Deposition and to Designate Supplemental Expert Economist [Doc. No. 32] in this case
11 extended the time to take Plaintiff's expert economist's deposition to on or before October 13,
12 2017, and provided further that Defendant FedEx shall be allowed to serve its supplemental
13 expert witness disclosure for an expert economist no later than October 27, 2017;

14 WHEREAS, Plaintiff's economist expert is unable to provide a supplemental report until
15 after October 15, 2017;

16 WHEREAS, the Parties do not anticipate that this Stipulation and Order will interfere
17 with any dates previously set by the Court in the Scheduling Order;

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

19 WHEREFORE, IT IS HEREBY STIPULATED AND AGREED that Defendant shall be
20 allowed to take the depositions of Mr. Diaz and Mr. De La Fuente prior to the November 9,
21 2017 pretrial conference, and it is further agreed that Defendant may take Plaintiff's
22 economist's deposition on or before November 1, 2017; provided, further, that Defendant shall
23 be allowed to serve its supplemental expert witness disclosure for an expert economist no later
24 than Wednesday, November 8, 2017.

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