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10 Attorneys for Plaintiffs
11 SEE LEE and CHAY VANG

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 SEE LEE and CHAY VANG,
15 Plaintiffs,
16 vs.

17 STATE FARM MUTUAL
18 AUTOMOBILE INSURANCE
COMPANY; and DOES 1 through 50,
19 inclusive,
20 Defendants.

CASE NO. 1:16-CV-00465-LJO-SAB

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

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1 Plaintiffs See Lee and Chay Vang (collectively “plaintiffs”) and State Farm Mutual
2 Automobile Insurance Company (“State Farm,”) by and through their respective counsel, hereby
3 stipulate to revise the Court’s June 17, 2016 Scheduling Order (Dkt. 15), as follows:

4 **I. RECITALS**

5 1. This action arises out of State Farm’s denial of plaintiffs’ vehicle theft claim under a
6 State Farm auto policy.

7 2. The parties have exchanged Federal Rule 26 disclosures, negotiated and entered into
8 a stipulated protective order, propounded and responded to written discovery, produced documents
9 in response to requests for production, and propounded document and deposition subpoenas. In
10 March 2017, State Farm presented for deposition Bill McGirk of Cellular Solutions, LLC, a third
11 party cellular tower data expert State Farm consulted with regard to plaintiffs’ claim.

12 3. Stephen Ellingson has been the partner primarily responsible for handling this matter
13 for State Farm. On March 21, 2017, Mr. Ellingson underwent coronary bypass surgery. He was off
14 work for the next six weeks. Since then, his work capacity has been limited. Mr. Ellingson was
15 referred to a “cardiac rehabilitation” program that meets three days a week. His rehabilitation
16 therapy has been suspended until May 29 due to a complication that arose from the surgery, but he
17 expects to resume therapy and attend for another six weeks thereafter. [Declaration of Stephen P.
18 Ellingson (“Ellingson Decl.,”) ¶ 3-4.]

19 4. Plaintiffs have asked to schedule the depositions of four individuals involved in
20 handling plaintiffs’ claim and State Farm’s corporate designee pursuant to FRCP 30(b)(6).
21 Following McGirk’s deposition, plaintiffs amended their Rule 26 disclosures to add Chay Vang’s
22 father, Ge Vang as a witness. State Farm intends to take plaintiffs’ depositions and the deposition
23 of Ge Vang as well.

24 5. The parties have agreed to mediate this matter with Lee Jacobson. The mediation is
25 scheduled for July 7, 2017.

26 6. Due to the limitations on Mr. Ellingson’s availability, the parties are concerned that
27 they may not be able to complete all necessary discovery under the current deadlines. [*Id.*, ¶ 5.]
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1 7. The parties have not previously asked the Court to revise the existing scheduling
2 order.

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4 **II. STIPULATION**

5 The parties hereby stipulate, and request approval of the following revisions to the Court's
6 Scheduling Order:

7 Event	8 Current Deadline	9 Requested New Deadline
10 1. Non-Expert Discovery 11 Cut-Off	12 September 15, 2017	13 October 16, 2017
14 2. Expert Disclosure	15 August 18, 2017	16 October 30, 2017
17 3. Supplemental Expert 18 Disclosure	19 September 8, 2017	20 November 1, 2017
21 4. Expert Discovery Cut-Off	22 September 29, 2017	23 December 1, 2017

24 All other deadlines in the case to remain the same, including the pretrial conference and
25 trial.

26 Dated: May 23, 2017

HAYES SCOTT BONINO ELLINGSON & McLAY, LLP

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

29 Dated: May 23, 2017

WILKINS, DROLSHAGEN & CZESHINSKI, LLP

30 By _____
31 /s/ James H. Wilkins
32 JAMES H. WILKINS
33 Attorneys for Plaintiffs
34 SEE LEE and CHAY VANG

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ORDER

The Court, having reviewed the parties' Stipulation to Partially Revise the Court's Scheduling Order and after having an informal telephonic appearance regarding the stipulation, the Court hereby **GRANTS** the parties' request, with an amendment for the non-expert discovery cut-off. The new deadlines are as follows:

Non-Expert Discovery Cut-Off	September 29, 2017
Expert Disclosure	October 30, 2017
Supplemental Expert Disclosure	November 1, 2017
Expert Discovery Cut-Off	December 1, 2017

IT IS SO ORDERED.

Dated: May 30, 2017



UNITED STATES MAGISTRATE JUDGE