

1 McCormick, Barstow, Sheppard,
Wayte & Carruth LLP
2 Marshall C. Whitney, #82952
marshall.whitney@mccormickbarstow.com
3 Kristi D. Marshall, #274625
kristi.marshall@mccormickbarstow.com
4 7647 North Fresno Street
Fresno, California 93720
5 Telephone: (559) 433-1300
Facsimile: (559) 433-2300
6

7 Attorneys for JOHN ROBERTS and TEXAS
ENVIRONMENTAL PRODUCTS, INC.
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10 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION
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12 ARIEL ELIA, individually and as Successor
13 Trustee to the Alan Elia Declaration of Trust
Dated March 18, 2002,

14 Plaintiff,

15 v.

16 JOHN ROBERTS, an individual; TEXAS
17 ENVIRONMENTAL PRODUCTS, INC., a
Texas corporation; and TEXAS
18 ENVIRONMENTAL PRODUCTS, a
partnership, joint venture or other form of
19 business organization unknown, and DOES 1
through 20, inclusive,

20 Defendant.
21

Case No. 1:16-CV-00557-AWI-EPG

**STIPULATION TO AMEND
SCHEDULING CONFERENCE ORDER
RE NON-EXPERT DISCOVERY
CUTOFF; ORDER THEREON**

Trial Date: October 31, 2017

22 Plaintiff ARIEL ELIA, individually and as Successor Trustee to the Alan Elia Declaration of
23 Trust Dated March 18, 2002 (“Plaintiff”), by and through her attorney of record herein, Neal E.
24 Costanzo of the law offices of Costanzo & Associates, and Defendants JOHN ROBERTS and TEXAS
25 ENVIRONMENTAL PRODUCTS, INC. (“Defendants”), by and through their attorneys, Marshall C.
26 Whitney and Kristi D. Marshall of the law offices of McCormick, Barstow, Sheppard, Wayte &
27 Carruth, hereby stipulate as follows:

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RECITALS

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2 A. The Court filed its Scheduling Conference Order on July 1, 2016 (Document 11) (the
3 “Order”). The Order set the Non-Expert Discovery Cutoff as March 31, 2017.

4 B. Plaintiff and Defendants mediated this case on January 12, 2017, before Donald
5 Fischbach. The parties did not reach a settlement of this case.

6 C. Counsel for Plaintiff and Defendants previously agreed to forego many of the
7 depositions that would be necessary for trial in hopes of making this matter as economical for the
8 parties believing that that mediation could be successful..

9 D. Now that the parties are moving towards trial scheduled for October 31, 2017, several
10 more depositions are needed to prepare for trial. Scheduling the depositions with the witnesses, many
11 of whom live out of state, and with counsel will be difficult with a Non-Expert Discovery Cutoff of
12 March 31, 2017.

13 E. The parties believe that good cause exists to extend the Non-Expert Discovery Cutoff
14 to May 26, 2017, which will allow them sufficient time to complete all depositions.

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STIPULATION

NOW, THEREFORE, IT IS HEREBY STIPULATED as follows:

- 1. The Non-Expert Discovery Cutoff in the Order shall be extended from March 31, 2017, to May 26, 2017.
- 2. All other deadlines set forth in the Order shall remain in full force and effect.

Dated: January ____, 2017

COASTANZO & ASSOCIATES

By: _____
Neal E. Costanzo
Attorney for Plaintiff ARIEL ELIA

Dated: January ____, 2017

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

By: _____
Marshall C. Whitney
Kristi D. Marshall
Attorneys for Defendants JOHN ROBERTS and
TEXAS ENVIRONMENTAL PRODUCTS, INC.

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ORDER

For the reasons provided in the stipulation, good cause appears to extend the Non-Expert Discovery Cutoff from March 31, 2017, to May 26, 2017. All other deadlines and hearings set forth in the Scheduling Order shall remain in full force and effect.

IT IS SO ORDERED.

Dated: January 27, 2017

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE