

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.

8
9 UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION
11

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
(1) SCHEDULING CONFERENCE
ORDER AND (2) ORDER TO AMEND
SCHEDULING CONFERENCE ORDER
RE EXPERT DISCOVERY AND
DISCLOSURES; 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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1 **RECITALS**

2 A. The Court filed its Scheduling Conference Order on July 1, 2016 (Document 11) (the
3 “Initial Order”).

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. The parties previously requested and received from the Court an extension to the
7 deadlines for expert disclosure as evidenced by the Order to Amend Scheduling Order re Expert
8 Disclosures filed April 13, 2017 (“Order to Amend re Experts”) (Document 20). Currently, the initial
9 Expert Disclosure is April 28, 2017, and the Rebuttal Expert Disclosure is May 12, 2017. Pursuant to
10 the Initial Order, the Expert Discovery Cutoff is May 26, 2017.

11 D. The parties have taken additional depositions on April 19 and 21, 2017, bringing the
12 total number of depositions taken to date at eight. In addition, the parties anticipate there are three to
13 four more non-expert depositions that need to be taken. The Nonexpert Discovery Cutoff is May 26,
14 2017, per the Court’s signed order of January 27, 2017 (Document 18).

15 E. Attorneys for Plaintiff and Defendants have agreed that additional time is needed for
16 the parties’ respective experts to prepare reports for the initial expert disclosure pursuant to the Order
17 to Amend re Experts, particularly in light of the continued Nonexpert Discovery Cutoff of May 26,
18 2017.

19 F. The parties believe that good cause exists to extend the above-referenced expert
20 deadlines. This will allow additional time for the parties’ respective experts to review and analyze all
21 of relevant documents in the case, review the deposition transcripts, provide thorough and meaningful
22 reports, and thereafter be deposed. Therefore, it is stipulated as follows:

23 **STIPULATION**

24 NOW, THEREFORE, IT IS HEREBY STIPULATED as follows:

25 1. The initial Expert Disclosure in the Order to Amend re Experts shall be
26 extended from April 28, 2017, to June 9, 2017.

27 2. The Rebuttal Expert Disclosure in the Order to Amend re Experts shall be
28 extended from May 12, 2017, to June 23, 2017.

