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ENVIRONMENTAL PRODUCTS, INC.

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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

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13 ARIEL ELIA, individually and as Successor
Trustee to the Alan Elia Declaration of Trust
14 Dated March 18, 2002,

15 Plaintiff,

16 v.

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

21 Defendant.

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

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

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 June 9, 2017, and the Rebuttal Expert Disclosure is June 23, 2017.

10 D. The parties have taken additional depositions on April 19 and 21, 2017, bringing the
11 total number of depositions taken to date at eight. The Nonexpert Discovery Cutoff was May 26,
12 2017, per the Court’s signed order of January 27, 2017 (Document 18).

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

17 F. The Expert Discovery Cutoff in the Initial Order was previously extended from May
18 26, 2017 to July 21, 2017 (Document 20).

19 G. 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 June 9, 2017 to June 30, 2017.

27 2. The Rebuttal Expert Disclosure in the Order to Amend re Experts shall be
28 extended from June 23, 2017 to July 14, 2017.

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ORDER

For the reasons provided in the parties' stipulation, IT IS HEREBY ORDERED that:

1. The Initial Expert Disclosure in the Order to Amend re Experts shall be extended from June 9, 2017 to June 30, 2017.
2. The Rebuttal Expert Disclosure in the Order to Amend re Experts shall be extended from June 23, 2017 to July 14, 2017.
3. The Expert Discovery Cutoff shall be extended from July 21, 2017 to August 11, 2017, consistent with new expert disclosure dates.
4. All other deadlines set forth in the Order and the Stipulation to Amend Scheduling Conference Order re Non-Expert Discovery Cutoff and Order Thereon (Document 18), shall remain in full force and effect.

IT IS SO ORDERED.

Dated: June 8, 2017

/s/ Eric P. Shoup
UNITED STATES MAGISTRATE JUDGE