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9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

GREEN | HALL

12 GALLO GLASS COMPANY,
 13 Plaintiff,
 14 vs.
 15 SPECIAL SHAPES REFRACTORY
 COMPANY, INC., and NIKOLAUS SORG
 16 GMBH & COMPANY KG,
 17 Defendants.

CASE NO. 16-CV-01446-LJO-BAM

**STIPULATION AND ORDER TO
 EXTEND TIME TO NAME PARTIES
 AND FILE THIRD PARTY CLAIMS**

18 Plaintiff, GALLO GLASS COMPANY ("Gallo"), Defendant, Cross-Claimant, and Cross-
 19 Defendant, NIKOLAUS SORG GMBH & COMPANY KG ("Sorg") and Defendant, Cross-
 20 Claimant, and Cross-Defendant, SPECIAL SHAPES REFRACTORY COMPANY, INC.
 21 ("SSRC")¹ by and through their attorneys of record in this case, hereby stipulate and agree as
 22 follows:

23 WHEREAS, in the Court's Scheduling Conference Order, the Parties were given until July
 24 10, 2017 to file any stipulated amendments or motions to amend their pleadings;

25 WHEREAS, Sorg propounded discovery on Gallo on or about April 19, 2017 which
 26 sought documents related to a third party named Dismatec Limited ("Dismatec") in order to
 27 _____

28 ¹ Hereinafter, Gallo, Sorg and SSRC shall be referred to collectively as "Parties".

1 ascertain the extent of their involvement in certain inspections performed of Furnace No. 4 prior to
2 the incident, and for the purpose of evaluating whether Dismatec should be brought in as a party to
3 this litigation;

4 WHEREAS Gallo served its responses to Sorg's written discovery on June 26, 2017 and is
5 claiming that documents regarding Dismatec's involvement in inspections of Furnace No. 4 are
6 privileged, and are being withheld as such;

7 WHEREAS Gallo and Sorg are currently meeting and conferring on this issue in an effort
8 to clarify whether these materials are privileged or should be produced;

9 WHEREAS, in order to give Gallo and Sorg adequate time to complete these informal
10 meet and confer efforts, and evaluate whether a third party complaint against Dismatec, or any
11 other party, is appropriate, the Parties have agreed to extend the time within which an amendment
12 to a pleading, or a third party claim may be filed to September 8, 2017;

13 WHEREAS, no extension of time has been requested previously regarding this matter;

14 WHEREAS, this extension of time will not alter or affect the date of any event or deadline
15 previously set by this Court;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED by, between and amongst the
17 Parties, and through their respective counsel of record that the Parties may file any motion, or
18 stipulation to amend their pleadings, or to assert a cross-claim against any new party on or before
19 September 8, 2017.

20 IT IS SO STIPULATED

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DATED: July 5, 2017

GREEN & HALL, LLP

By: /s/Joshua H. Willert (as authorized on 7/5/17)

Edward R. Huguenin, Esq.

Robert J. Kahn, Esq.

Joshua H. Willert, Esq.

Attorneys for Defendant, Cross-claimant, and Cross-Defendant NIKOLAUS SORG GMBH & COMPANY KG

DATED: July 5, 2017

DUANE MORIS, LLP

By: /s/Robert C. Hendrickson (as authorized on 7/5/17)

Robert C. Hendrickson, Esq.

Brenden Ruddy, Esq.

Attorneys for Defendant, Cross-claimant, and Cross-Defendant NIKOLAUS SORG GMBH & COMPANY KG

DATED: July 5, 2017

LORBER GREENFIELD & POLITO, LLP

By: /s/Lisa Cappelluti (as authorized on 7/5/17)

Lisa M. Cappelluti, Esq.

Lisa G. Schlittner, Esq.

Attorneys for Defendant, Cross-claimant, and Cross-Defendant SPECIAL SHAPES REFRACTORY COMPANY

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DATED: July 5, 2017

COVINGTON & BURLING, LLP

By: /s/Gretchen Hoff Varner (as authorized on 7/5/17)
Gretchen Hoff Varner, Esq.
Attorneys for Plaintiff, GALLO GLASS COMPANY

DATED: July 5, 2017

CARLSON CALLADINE & PETERSON, LLP

By: /s/Colin Munro (as authorized on 7/5/17)
Colin Munro, Esq.
Attorneys for Plaintiff, GALLO GLASS COMPANY

ORDER

The Court, having duly considered the stipulation of the Parties as set forth above, and good cause appearing therefore, orders as follows:

The Parties deadline to file any motion, or stipulation to amend their pleadings, or to assert a cross-claim against any new third party is extended to September 8, 2017. No further extensions will be granted absent good cause.

IT IS SO ORDERED.

Dated: July 6, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE