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8	GALLO CATTLE COMPANY d/b/a JOSEPH GALLO FARMS, a California limited partnershi	n	
9		<i>y</i>	
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16	Attorneys for Defendant and Counter-Plaintiff SAPUTO DAIRY FOODS USA, LLC		
17	UNITED STATES DISTRICT COURT		
18	EASTERN DISTRICT OF CAL	LIFORNIA, FRESNO DIVISION	
19	GALLO CATTLE COMPANY d/b/a JOSEPH GALLO FARMS, a California limited	Case No. 1:16-cv-01673-LJO-EPG	
20	partnership,	STIPULATION AND [PROPOSED] ORDER TO AMEND THE	
21	Plaintiff,	SCHEDULING ORDER	
22	V.	HON. ERICA P. GROSJEAN	
23	SAPUTO DAIRY FOODS USA, LLC, a	U.S. MAGISTRATE JUDGE	
24	Delaware limited liability company,	Action Filed: October 3, 2016	
	Defendant.	Trial Date: June 5, 2018	
25			
26	AND RELATED COUNTER-CLAIMS.		
27			
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Plaintiff and Counter-Defendant, GALLO CATTLE COMPANY d/b/a JOSEPH GALLO FARMS ("Gallo") and Defendant and Counter-Plaintiff SAPUTO DAIRY FOODS USA, LLC ("Saputo") respectfully submit this stipulated request that the Court grant a limited extension of the non-expert discovery period set forth in the Scheduling Conference Order (*see* ECF 15). In support of this stipulation, the parties state as follows:

- 1. The Court set a pretrial schedule in this case on January 24, 2017 (ECF 15), and discovery opened on February 10, 2017 with the parties' exchange of Fed. R. Civ. P. 26(a) Initial Disclosures. Thereafter the parties have mutually responded to written discovery and produced documents in response to requests for production. No depositions have yet taken place nor are any scheduled at present.
- 2. Throughout the fact discovery period, the parties have informally discussed settlement in good faith without achieving a resolution on their own. The parties believe that the assistance of a mediator will be helpful, and have scheduled a mediation session before Hon. James A. Ardaiz (Ret.) in Fresno, California on June 30, 2017. Representatives from both parties with full settlement authority will be present at the mediation.
- 3. The parties are cautiously optimistic that a settlement of this action can be reached in connection with the June 30 mediation.
- 4. The parties respectfully request that the Court grant a 30-day extension of the fact discovery window in order to give the parties a chance to mediate this case prior to incurring the costs and burdens associated with fact depositions and expert discovery.
- 5. Pursuant to L.R. 144(b), the parties state that they have not previously requested an extension of time from the Court.
 - 6. The proposed extension will not impact any deadlines before the Court.
- 7. Therefore, the parties respectfully request that the Scheduling Conference Order entered on January 24, 2017 be amended as follows:

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1	Event	Current Scheduling Order	Proposed Scheduling Order	
2	Event	<u>Date</u>	<u>Date</u>	
3	Mid-Discovery Conference	6/19/2017	8/8/2017	
	1,110 21300 very control		10:00 a.m, Dept. 10	
4	Non-Expert Discovery Cutoff	July 17, 2017	August 16, 2017	
5	Expert Disclosure	August 17, 2017	September 6, 2017	
6	Rebuttal Expert Disclosure	September 18, 2017	October 6, 2017	
7	Expert Discovery Cutoff	October 17, 2017	October 31, 2017	
8	Dispositive Motion Deadline	November 21, 2017	November 21, 2017	
9	Pretrial Conference	April 5, 2018	April 5, 2018	
10		11:00 a.m., Dept. 10	11:00 a.m., Dept. 10	
	Jury Trial	June 5, 2018	June 5, 2018	
11	July Illai	8:30 a.m., Dept. 10	8:30 a.m., Dept. 10	
12				
13	RESPECTFULLY SUBMITTED,			
14	Dated: June 9, 2017 McCORMICK, BARSTOW, SHEPPARD,			
15	WAYTE & CARRUTH LLP			
16	By: /s/ Shane G. Smith			
17	Marshall C. Whitney			
18	Ben Nicholson Shane G. Smith			
	Attorneys for Plaintiff and Counter-Defendant,			
19	GALLO CATTLE COMPANY d/b/a JOSEPH GALLO FARMS			
20				
21	Dated: June 9, 2017 LEWIS & LLEWELLYN LLP			
22	By: /s/ Evangeline A.Z. Burbidge			
23		Paul T. Llewellyn		
24	Marc R. Lewis Evangeline A.Z. Burbidge			
25	Attorneys for Defendant and Counter-Plaintiff SAPUTO DAIRY FOODS USA, LLC			
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MCCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP 7647 NORTH FRESNO STREET FRESNO, CA 93720

-oOo-1 2 SIGNATURE ATTESTATION 3 I hereby attest that concurrence has been obtained from Evangeline A.Z. Burbidge, counsel for Saputo Dairy Foods USA, LLC, as indicated by a "conformed" signature (/s/) within this e-4 5 filed document. /s/ Shane G. Smith 6 Shane G. Smith 7 -oOo-8 **ORDER** 9 UPON CONSIDERATION of the Parties' Stipulation to Amend the Scheduling Order, and 10 for good cause appearing, IT IS SO ORDERED that the Scheduling Conference Order governing 11 the pretrial phase of the above-captioned litigation is amended as set forth above. 12 13 14 IT IS SO ORDERED. 15 Dated: **June 9, 2017** 16 17 18 19 20 21 22 23 24 25 26 27 28

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