

1 McCormick, Barstow, Sheppard,
Wayte & Carruth LLP
2 Marshall C. Whitney, CA # 82952
marshall.whitney@mccormickbarstow.com
3 Ben Nicholson, CA # 239893
ben.nicholson@mccormickbarstow.com
4 Shane G. Smith, CA # 272630
shane.smith@mccormickbarstow.com
5 7647 North Fresno Street
Fresno, California 93720
6 Telephone: (559) 433-1300
Facsimile: (559) 433-2300
7

Attorneys for Plaintiff and Counter-Defendant,
8 *GALLO CATTLE COMPANY d/b/a JOSEPH*
GALLO FARMS, a California limited partnership
9

10 LEWIS & LLEWELLYN LLP
Paul T. Llewellyn, CA # 216887
Marc R. Lewis, CA # 233306
11 Evangeline A.Z. Burbidge, CA # 266966
505 Montgomery Street, Suite 1300
12 San Francisco, California 94111
Telephone: (415) 800-0590
13 Facsimile: (415) 390-2127
Email: pllewellyn@lewisllewellyn.com
14 mlewis@lewisllewellyn.com
eburbidge@lewisllewellyn.com
15

Attorneys for Defendant and Counter-Plaintiff
16 *SAPUTO DAIRY FOODS USA, LLC*

17 UNITED STATES DISTRICT COURT

18 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

19 GALLO CATTLE COMPANY d/b/a JOSEPH
GALLO FARMS, a California limited
20 partnership,

21 Plaintiff,

22 v.

23 SAPUTO DAIRY FOODS USA, LLC, a
Delaware limited liability company,

24 Defendant.
25

Case No. 1:16-cv-01673-LJO-EPG

**STIPULATION AND [PROPOSED]
ORDER TO AMEND THE
SCHEDULING ORDER**

**HON. ERICA P. GROSJEAN
U.S. MAGISTRATE JUDGE**

Action Filed: October 3, 2016
Trial Date: June 5, 2018

26 AND RELATED COUNTER-CLAIMS.
27
28

1 Plaintiff and Counter-Defendant, GALLO CATTLE COMPANY d/b/a JOSEPH GALLO
2 FARMS (“Gallo”) and Defendant and Counter-Plaintiff SAPUTO DAIRY FOODS USA, LLC
3 (“Saputo”) respectfully submit this stipulated request that the Court grant a limited extension of
4 the non-expert discovery period set forth in the Scheduling Conference Order (*see* ECF 15). In
5 support of this stipulation, the parties state as follows:

6 1. The Court set a pretrial schedule in this case on January 24, 2017 (ECF 15), and
7 discovery opened on February 10, 2017 with the parties’ exchange of Fed. R. Civ. P. 26(a) Initial
8 Disclosures. Thereafter the parties have mutually responded to written discovery and produced
9 documents in response to requests for production. No depositions have yet taken place nor are any
10 scheduled at present.

11 2. Throughout the fact discovery period, the parties have informally discussed
12 settlement in good faith without achieving a resolution on their own. The parties believe that the
13 assistance of a mediator will be helpful, and have scheduled a mediation session before Hon.
14 James A. Ardaiz (Ret.) in Fresno, California on June 30, 2017. Representatives from both parties
15 with full settlement authority will be present at the mediation.

16 3. The parties are cautiously optimistic that a settlement of this action can be reached
17 in connection with the June 30 mediation.

18 4. The parties respectfully request that the Court grant a 30-day extension of the fact
19 discovery window in order to give the parties a chance to mediate this case prior to incurring the
20 costs and burdens associated with fact depositions and expert discovery.

21 5. Pursuant to L.R. 144(b), the parties state that they have not previously requested an
22 extension of time from the Court.

23 6. The proposed extension will not impact any deadlines before the Court.

24 7. Therefore, the parties respectfully request that the Scheduling Conference Order
25 entered on January 24, 2017 be amended as follows:

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28