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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 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 discovery period set forth in the Amended Scheduling Conference Order (*see* ECF 21). 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 engaged in a  
13 mediation session before the Hon. James A. Ardaiz (Ret.) in Fresno, California on June 30, 2017.  
14 Representatives from both parties with full settlement authority were present at the mediation.  
15 The mediation was productive and the parties are hopeful that a formal resolution can be reached  
16 within the next thirty (30) days. The parties are continuing to engage in settlement discussions,  
17 and the Hon. James A. Ardaiz has agreed to continue to participate in the process.

18 3. The parties respectfully request that the Court grant a further 30-day extension of  
19 the fact discovery cut-off date, with associated extensions of the expert discovery dates, in order to  
20 give the parties the opportunity to continue the settlement discussions that commenced on June 30,  
21 2017 prior to incurring the costs and burdens associated with fact depositions and expert  
22 discovery.

23 4. Pursuant to L.R. 144(b), the parties state that they have previously requested and  
24 received one 30-day extension from the Court (*see* ECF 21).

25 5. The proposed extension will not impact any deadlines before the Court.

26 6. Therefore, the parties respectfully request that the Amended Scheduling Order  
27 entered on June 9, 2017 be further amended as follows:

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1 **ORDER**

2 Upon consideration of the Parties' Stipulation to Amend the Scheduling Order, and for  
3 good cause appearing, the Scheduling Conference Order governing the pretrial phase of the above-  
4 captioned litigation is amended as follows:

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<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
6 Non-Expert Discovery Cutoff	August 16, 2017	September 15, 2017
7 Expert Disclosure	September 6, 2017	September 27, 2017
8 Rebuttal Expert Disclosure	October 6, 2017	October 20, 2017
9 Expert Discovery Cutoff	October 31, 2017	November 9, 2017

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11 IT IS SO ORDERED.

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13 Dated: July 10, 2017

14 /s/ Eric P. Grogan  
15 UNITED STATES MAGISTRATE JUDGE  
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