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TRICAM INDUSTRIES, INC. and
COSTCO WHOLESALE CORPORATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER SULLIVAN)	CASE NO.: 1:17-cv-00959-LJO-EPG
)	
Plaintiff,)	JOINT STIPULATION AND ORDER
)	CONTINUING PRETRIAL AND TRIAL
v.)	DEADLINES
)	
COSTCO WHOLESALE CORPORATION;)	
TRICAM INDUSTRIES, INC.)	
)	
Defendants.)	Action Filed: June 13, 2017
)	Trial Date: October 30, 2018

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1 Plaintiff Christopher Sullivan, Defendant Costco Wholesale Corporation, and
2 Defendant Tricam Industries, Inc., constituting all the parties appearing in this action,
3 through undersigned counsel of record hereby stipulate to continue the **Final Pretrial**
4 **Conference** from September 7, 2018 to **November 9, 2018**, and to continue **Trial**
5 from October 30, 2018, to **January 7, 2019**. The parties further stipulate to reopening
6 discovery and expert discovery and to a new **Discovery Deadline** of **October 15,**
7 **2018**, and **Expert Discovery Deadline** of **October 30, 2018**. This is the first request
8 to continue in this case.

9 Pursuant to Rule 16(b)(4), good cause exists for the Court to modify the
10 Scheduling order entered on October 16, 2017, and continue the pretrial and trial
11 deadlines. GOOD CAUSE for this continuance exists in that prior to August 9, 2018,
12 Plaintiff believed his left shoulder/arm pain and neurologic symptoms were solely related
13 to his left shoulder. However, on August 9, 2018, his physicians informed him that they
14 suspected this pain and associated neurologic symptoms were at least partially related to
15 his cervical spine injury. On August 15, 2018, Plaintiff underwent an x-ray of his cervical
16 spine which showed evidence of a severe degenerative disc disease and spondylosis at C5-
17 C6, and C6-C7. These findings were confirmed in a subsequent MRI taken on August 16,
18 2018. On August 20, 2016, Plaintiff was told by his physicians that he required a 3-level
19 cervical fusion (C3-C7), and they recommended he undergo that procedure sooner rather
20 than later. Plaintiff's cervical fusion surgery is scheduled for September 24, 2018, and
21 will entail a 4 to 6 week recovery period.

22 Plaintiff is informed and believes and thereon alleges the above-described cervical
23 injury is related to his fall from the Tricam stepstool model RM-SLA-3 at issue in this
24 case. However, as Plaintiff Sullivan's cervical injury came to light after the close of non-
25 expert and expert discovery this contention has not been investigated through formal
26 discovery. The parties stipulate to reopening discovery and expert discovery in order to

depose Plaintiff's healthcare providers and establish whether his cervical injury was related to or caused by his fall from the Tricam stepstool model RM-SLA-3 on January 2, 2016.

Further GOOD CAUSE for this continuance exists in that with Defendants' motion for summary judgment now ruled on, the parties wish to mitigate costs associated with bringing Plaintiff's retained expert to trial. R. Kevin Smith resides and works in Indiana. In order to mitigate the costs associated with his attendance at trial, the parties have agreed to record R. Kevin Smith's deposition by audiovisual means for use at trial.

Based on the forgoing, the parties respectfully request that this Court continue the pretrial and trial deadlines in the following manner:

	Current Deadline	Proposed Date
Discovery Cutoff	March 16, 2018	October 15, 2018
Expert Discovery Cutoff	June 15, 2018	October 30, 2018
Final Pretrial Conference	September 7, 2018	November 9, 2018
Trial	October 30, 2018	January 7, 2019

Dated: August 30, 2018

Respectfully submitted,

STAMMER, McKNIGHT, BARNUM & BAILEY LLP

By /s/ Abigail R. Leaf

Abigail R. Leaf, Attorneys for Plaintiff,
CHRISTOPHER SULLIVAN

Date: August 30, 2018

MCVEY & PARSKY, LLC

By /s/ Paul V. Kaulas

Paul V. Kaulas, Attorneys for Defendant,
TRICAM INDUSTRIES, INC.

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Date: August 30, 2018

BAKER, KEENER & NAHRA LLP

By /s/ Kenneth Spencer
Kenneth Spencer, Attorneys for
Defendants, COSTCO WHOLESALE
CORPORATION and TRICAM INDUSTRIES,
INC.

1 **ORDER**

2 Based on the Joint Stipulation of the parties, and good cause appearing therefore,
3 **IT IS ORDERED** that the **Final Pretrial Conference** currently set for September 7,
4 2018 be and hereby is continued to **November 9, 2018, at 8:30 a.m.** **IT IS**
5 **FURTHER ORDERED** that **Trial** currently set for October 30, 2018 be and hereby is
6 continued to **January 8, 2019, at 8:30 a.m.** **IT IS FURTHER ORDERED** that
7 nonexpert and expert discovery are reopened and that a new **Discovery Deadline** of
8 **October 15, 2018**, and **Expert Discovery Deadline** of **October 30, 2018** be and
9 hereby are established.

10 IT IS SO ORDERED.

11 Dated: **August 30, 2018**

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE