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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

JEFFREY COX,
Plaintiff,
v.

Case Nos.: 1:17-cv-01207-DAD-BAM, 1:17-
cv-01056-DAD-BAM (consolidated)

ROADRUNNER INTERMODAL
SERVICES, LLC, a Delaware limited
liability company, CENTRAL CAL
TRANSPORTATION, LLC, a Delaware
limited liability company, and DOES 1
through 50,
Defendant(s).

**JOINT STIPULATION AND ORDER RE
NON-PARTY DEPOSITION AFTER
NON-EXPERT DISCOVERY CUTOFF**

ROADRUNNER INTERMODAL
SERVICES, LLC, a Delaware limited
liability company,
Counter- Defendant and
v. Plaintiff,
JEFFREY COX,
Plaintiff and Counter-
Defendant.

ROADRUNNER INTERMODAL SERVICES,
LLC, a Delaware limited liability company,
Plaintiff,
v.
T.G.S. TRANSPORTATION, INC., a
California corporation, and DOES 1-10,
Defendants.

1 Roadrunner Intermodal Services, LLC, T.G.S. Transportation, Inc., and Mr. Jeffrey Cox
2 (collectively, the “Parties”) hereby jointly ask that the Court grant leave for Roadrunner to conduct
3 a deposition of non-party Expeditors International of Washington, Inc. (“Expeditors”) on March 8,
4 2019, after the discovery cutoff set in the Court’s May 25, 2018, Scheduling Conference Order (the
5 “Order”) (ECF No. 111). In support of this Joint Stipulation, the Parties state as follows:

6 1. On May 25, 2018, the Court issued the Order, establishing February 22, 2019, as the
7 cutoff for non-expert discovery.

8 2. On December 4, 2018, Roadrunner served the “Subpoena to Testify at a Deposition
9 in a Civil Action” (“Subpoena”) attached hereto as **Exhibit A** on Expeditors—setting a deposition
10 of Expeditors for January 17, 2019, under Federal Rule of Civil Procedure 30(b)(6).

11 3. On January 3, 2019, Expeditors served Responses to Roadrunner’s Subpoena and
12 accompanying Requests for Production of Documents, in which Expeditors indicated that it was not
13 available to appear and give testimony on the date set in the Subpoena.

14 4. Roadrunner and Expeditors, thereafter, met and conferred on Expeditors’ availability
15 to appear and give testimony on a date before the non-expert discovery cutoff set in the Order and
16 tentatively agreed to reschedule Expeditors’ deposition for a date in the week of February 4, 2019.

17 5. On January 22, 2019, Expeditors’ counsel informed Roadrunner’s counsel that she
18 had been in an accident, suffered a fractured ankle that required surgery tentatively scheduled for
19 January 25, 2019, and would be limited in her ability to travel for a period of weeks after surgery.
20 Counsel also indicated that no other attorney was able to appear on behalf of Expeditors.

21 6. Expeditors’ counsel, therefore, requested that Expeditors’ deposition be rescheduled
22 for March 8, 2019—after the non-expert discovery cutoff set in the Order.

23 7. Roadrunner informed Expeditors it would agree to a March 8, 2019, deposition, and
24 requested that Expeditors confirm TGS and Mr. Cox’s agreement.

25 8. On January 24, 2019, Expeditors’ counsel emailed TGS and Mr. Cox’s counsel and
26 requested that they agree to a March 8, 2019, deposition in light of the circumstances, and counsel
27 for TGS and Mr. Cox each indicated their agreement via emails sent later that same day.

1 9. Accordingly, the Parties, and Expeditors, are in agreement to hold the deposition of
2 Expeditors on March 8, 2019, or on another date as mutually agreed on between all Parties after the
3 February 22, 2019 deadline, and therefore, seek a Court Order permitting that deposition to occur
4 after the non-expert discovery cutoff set in the Scheduling Conference Order.

5 **IT IS SO STIPULATED.**

6
7 Dated: February 19, 2019

GREENBERG TRAURIG, LLP

8 By: /s/ Kurt A. Kappes (authorized on 2/6/19)

9 James N. Nelson

10 Kurt A. Kappes

11 Michael D. Lane

12 Michelle L. DuCharme

13 Todd A. Pickles

14 Attorneys for ROADRUNNER INTERMODAL

15 SERVICES, LLC and CENTRAL CAL

16 TRANSPORTATION, LLC

17
18 Dated: February 19, 2019

**McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP**

19 By: /s/ Scott J. Ivy (authorized on 2/6/19)

20 Scott J. Ivy

21 Shane G. Smith

22 Attorneys for T.G.S. TRANSPORTATION, INC.,

23 a California corporation

24
25 Dated: February 19, 2019

SAGASER, WATKINS & WIELAND PC

26 By: /s/ Christopher M. Rusca (authorized on 2/15/19)

27 Howard A. Sagaser

28 Ian B. Wieland

Attorneys for JEFFREY COX

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ORDER

Pursuant to the parties' stipulation, and good cause appearing, Roadrunner's request for leave to conduct a deposition of non-party Expeditors International of Washington, Inc. on March 8, 2019, or on another date as mutually agreed on between all parties in March 2019, after the non-expert discovery deadline set in the Court's Scheduling Conference Order is GRANTED.

IT IS SO ORDERED.

Dated: February 25, 2019

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE