



1           1.       Defendant, JOHNSTON CONTRACTING, INC., by and through their  
2 attorneys, filed a Third Party Complaint against WILLIAM McKEAND dba TEC SPEC;  
3 WCM, INC. dba TEC SPEC, a California corporation and ROES 1 to 50, inclusive on October  
4 20, 2017 (“Third Party Defendant”).

5           2.       None of the Third Party Defendants have filed a responsive pleading to the Third  
6 Party Complaint of JOHNSTON CONTRACTING, INC.

7           3.       On October 31, 2017, Third Party Defendant WILLIAM McKEAND dba TEC  
8 SPEC was served with the Third Party Summons and Third Party Complaint.

9           4.       On October 25, 2017, Third Party Defendant, WCM, INC. dba TEC SPEC, a  
10 California corporation was served with the Third Party Summon and Third Party Complaint.

11          5.       The Third Party Defendants recently served with the Third Party Summons and  
12 Third Party Complaint will have 21 days from the date they were served to file their Answers.  
13 The statute for the Third Party Defendant WILLIAM McKEAND dba TEC SPEC Answer will  
14 not expire until after the Initial Scheduling Conference currently set for November 16, 2017, at  
15 9:00 a.m., and Third Party Defendant, WCM, INC. dba TEC SPEC’s Answer is not due until  
16 the day before the currently set Initial Scheduling Conference.

17          6.       Plaintiff has been in contact with defense counsel for GEORGE BROWN  
18 SPORTS CLUB requesting information regarding the manufacturer of the L-shaped, hold-up  
19 shower seat at issue. Plaintiff intends on amending the Complaint to include the manufacturer  
20 of the seat.

21          7.       Plaintiff intends dismiss GEORGE BROWN SPORTS CLUB-PALM, INC. as  
22 the proper name for this Defendant will need to be amended in the First Amended Complaint to  
23 be GEORGE BROWN SPORTS CLUB PALM LLC.

24               THEREFORE, it is respectfully requested that the Initial Scheduling Conference  
25 currently scheduled for November 16, 2017, at 9:00 a.m. be continued at least 90 days to allow  
26 all Defendants to be properly named, served with the Amended Summons and Amended  
27 Complaint and allowed time to file their respective Answers. This will allow all parties a  
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1 chance to participate in the Initial Scheduling Conference once they are identified and joined in  
2 this lawsuit.

3  
4 This Stipulation may be executed in one or more counterparts, each of which shall be  
5 deemed an original Stipulation, but all of which together shall constitute one and the same  
6 instrument. This Stipulation may be executed via facsimile and the signatures thereon shall be  
7 deemed original signatures.

8 Dated: November 9, 2017.

9 By: /S/ Steven S. Dias  
10 STEVEN S. DIAS  
11 Attorney for Plaintiff

12 Dated: November 9, 2017.

13 By: /S/ Anthony N. DeMaria  
14 ANTHONY N. DeMARIA  
15 Attorney for Defendants, GEORGE  
16 BROWN SPORTS CLUB PALM LLC,  
17 et al.

18 Dated: November 9, 2017.

19 By:   
20 T. PATRICK LONG or  
21 WARREN B. CAMPBELL  
22 Attorney for Defendant, JOHNSTON  
23 CONTRACTING, INC.

24 Pursuant to the request of the parties, the Initial Scheduling Conference currently set  
25 for November 16, 2017, is CONTINUED and will now be held on March 7, 2018, at 10:00  
26 a.m. A joint scheduling report is due one full week prior to the conference.

27 IT IS SO ORDERED.

28 Dated: November 13, 2017

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE

JUDGE

**WILD, CARTER & TIPTON**  
A Professional Corporation  
246 WEST SHAW AVENUE  
FRESNO, CA 93704

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