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 10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

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 13 NORTHERN CENTRAL DISTRIBUTING,
 INC., a California Corporation, dba
 YOSEMITE HOME DÉCOR;

14 Plaintiff,

15 v.

16
 17 ROCKIE BOGENSCHUTZ, an individual;
 ROCKIE'S CONTAINERS, LLC, a
 California limited liability company, dba Y-
 18 DÉCOR and YOSEMITE DÉCOR, and
 DOES 1 through 50, inclusive.

19 Defendant.
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Case No. 1:17-CV-01351-AWI-EPG

**STIPULATION AND ORDER RE
 DISCOVERY CUTOFF**

21 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:
 22 Plaintiff NORTHERN CENTRAL DISTRIBUTING, INC. ("Plaintiff") and defendants
 23 ROCKIE BOGENSCHUTZ; and ROCKIE'S CONTAINERS, LLC ("Defendants")
 24 (collectively, "Parties") submit the following stipulation to extend non-expert discovery cutoff to
 25 July 19, 2019, and jointly request modification of the Court's Scheduling Order dated March 23,
 26 2018, to reflect the same pursuant to Federal Rule of Civil Procedure 16(b)(4).

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1 1. By stipulation and order dated January 8, 2018, this Court entered a
2 preliminary injunction against Defendants. The January 8, 2018, preliminary injunction
3 prohibited Defendants for undertaking certain acts likely to confuse, mislead, or deceive
4 consumers, including continuing to use certain stock keeping units, model numbers, photos, or
5 product identifiers that are similar or identical to those used by Plaintiff.

6 2. On August 21, 2018, after full briefing and further supplemental briefing,
7 this Court issued an order finding Defendants in contempt for violating the January 8, 2018,
8 preliminary injunction and sanctioning Defendants \$33,500.00 plus Plaintiff's reasonable
9 attorney's fees and costs. On December 12, 2018, this Court ordered Defendants to pay to
10 Plaintiff \$12,866.24 in fees and \$225.18 in costs.

11 3. On November 6, 2018, Plaintiff filed a motion for a second contempt order
12 and argued that Defendants were still refusing to fully comply with the Court's January 8, 2018,
13 preliminary injunction and had not rectified all of the contumacious acts identified in the Court's
14 August 21, 2018, contempt order. Defendants filed an opposition to the motion on November
15 26, 2018. Plaintiff filed its reply on December 3, 2018. The Parties are currently awaiting the
16 Court's ruling.

17 4. Throughout the duration of the lawsuit, the Parties have been attempting
18 to resolve their dispute while avoiding the cost intensive exercise of serving and responding to
19 discovery. Negotiations remain ongoing and progress is being made toward settlement.

20 5. The Court's March 23, 2018, Scheduling Order set non-expert discovery
21 cutoff for April 12, 2019 and expert discovery cutoff for July 19, 2019. In order to accommodate
22 the Parties' settlement negotiations without sacrificing their ability to conduct discovery in the
23 unlikely event that an agreement cannot be reached, the Parties agree that there is good cause to
24 extend non-expert discovery cutoff to July 19, 2019. As the Parties do not anticipate substantial
25 expert testimony or discovery, there is no reason that expert and non-expert discovery cannot be
26 conducted simultaneously.

27 IT IS HEREBY STIPULATED AND AGREED by the Parties, by and through
28 the undersigned, that in light of the pending ruling on the second motion for contempt and the

1 Parties' continuing efforts to settle the case, good cause exists to modify the Court's March 23,
2 2018, Scheduling Order to reflect a non-expert discovery cutoff date of July 19, 2019. All other
3 dates shall remain as set by the March 23, 2018, Scheduling Order.

4 Dated: January 30, 2019 DOWLING AARON INCORPORATED

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6 By: /s/ Marcus N. DiBuduo
7 Marcus N. DiBuduo
8 Jared C. Marshall
9 Attorneys for Plaintiff NORTHERN
10 CENTRAL DISTRIBUTING, INC.

11 Dated: January 29, 2019 MOTSCHIEDLER, MICHAELIDES,
12 WISHON, BREWER & RYAN, LLP

13 By: /s/ Russell K. Ryan
14 Russell K. Ryan
15 Attorneys for Defendants
16 ROCKIE BOGENSCHUTZ, ROCKIE'S
17 CONTAINERS, LLC, dba Y-DÉCOR and
18 YOSEMITE DÉCOR

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ORDER

Pursuant to the stipulation of the Parties and good cause appearing, the Court's March 23, 2018, Scheduling Order shall be modified to continue the non-expert discovery cutoff date to July 19, 2019. The Court further continues the Mid-Discovery Status Conference currently set for March 13, 2019, to May 13, 2019, at 10:00 am. The parties are reminded to file a joint status report one full week prior to the conference and email a copy of same, in Word format, to epgorders@caed.uscourts.gov, for the Judge's review. To appear telephonically, each party is directed to use the following dial-in number and passcode: **1-888-251-2909; passcode 1024453.**

DATED: January 31, 2019

/s/ Eric P. Shroy
UNITED STATES MAGISTRATE JUDGE