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9 COUNTRY FRESH BATTER, INC.,
10 d/b/a HOPE'S COOKIES

11 UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA

13 FRESNO DIVISION

14 COUNTRY FRESH BATTER, INC.,
15 D/B/A HOPE'S COOKIES, a
16 Pennsylvania corporation,

17 Plaintiff,

18 v.

19 LION RAISINS, INC., a California
20 corporation,

21 Defendant.

Case No. 1:17-cv-1527-DAD-BAM

Hon. Dale A. Drozd

**JOINT STIPULATION TO
EXTEND CERTAIN
DISCOVERY DEADLINES AND
ORDER**

1 Pursuant to Fed. R. Civ. P. 16(b) and Local Rule 143 of the Local Rules of
2 the District Court for the Eastern District of California and Fed. R. Civ. P. 15(a)(2),
3 Plaintiff Country Fresh Batter, Inc., doing business as Hope's Cookies ("Plaintiff"
4 or "Hope's") and Defendant Lion Raisins, Inc. ("Defendant" or "Lion") hereby
5 submit the following stipulation to extend certain currently scheduled discovery
6 deadlines as set forth below.

7 **RECITALS**

8 WHEREAS, on or about April 24, 2018, this Court, pursuant to Fed. R. Civ.
9 P. 16 and 26, issued a Scheduling Order (Dkt. 16) setting October 5, 2018 as the
10 non-expert discovery cut-off, October 16, 2018 as the deadline for initial expert
11 witness disclosures, and November 15, 2018 as the supplemental expert witness
12 disclosures;

13 WHEREAS, Plaintiff filed its first amended complaint on July 13, 2018;

14 WHEREAS, Lion filed its answer to the first amended complaint on August
15 3, 2018;

16 WHEREAS, the parties have been engaged in written and oral discovery in
17 this action;

18 WHEREAS, the parties are currently meeting and conferring regarding
19 certain written discovery issues;

20 WHEREAS, due to scheduling conflicts for witnesses and the parties'
21 counsel, the parties agreed to continue the previously noticed depositions for
22 several witnesses;

23 WHEREAS, the parties have agreed to a short extension of thirty-five (35)
24 days to November 9, 2018 as the non-expert discovery cut-off;

25 WHEREAS, the parties do not anticipate having any experts in this case at
26 this time, but in the event either party ultimately decides to have an expert, the
27 parties have agreed to November 16, 2018, as the deadline for initial expert witness
28

1 disclosures, and December 7, 2018 as the deadline for supplemental expert witness
2 disclosures;

3 WHEREAS, the parties are not requesting any other changes to the
4 deadlines set forth in the prior Scheduling Order (Dkt. 16) including the cutoff of
5 expert discovery, the deadline for filing pretrial motions, or the dates of the pretrial
6 conference and trial;

7 WHEREAS, neither party will be prejudiced by the continuance of the
8 current non-expert discovery cut-off and expert witness and supplemental expert
9 witness disclosure deadlines; and

10 WHEREAS, this is the first request that the Court amend the scheduling
11 order to extend the non-expert discovery cut-off and expert witness and
12 supplemental expert witness disclosure deadlines.

13 **STIPULATION**

14 NOW THEREFORE, the parties, through their respective counsel, jointly
15 propose and stipulate to the following:

16 The deadlines in the Scheduling Order (Dkt. 16) previously set forth by the
17 Court shall be revised as follows, or set on such other dates as the Court
18 determines:

19 All non-expert discovery, including motions to compel, shall be completed
20 no later than **November 9, 2018**. Initial expert witness disclosures by any party
21 shall be served no later than **November 16, 2018**. Supplemental expert witness
22 disclosures by any party shall be served no later than **December 7, 2018**.

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1 Dated: September 24, 2018

COZEN O'CONNOR

2
3 By: *s/ Andrew M. Hutchison*

4 Andrew M. Hutchison
5 Attorneys for Plaintiff
6 COUNTRY FRESH BATTER, INC.
D/B/A HOPE'S COOKIES

7 Dated: September 24, 2018

LION RAISINS, INC.

8
9 By: *s/ Bertram T. Kaufman*

10 Bertram T. Kaufman
11 Attorney for Defendant
12 LION RAISINS, INC.

13
14 **ORDER**

15 Pursuant to the stipulation of the parties, and good cause appearing, the
16 Scheduling Conference Order issued on April 28, 2018, is modified as follows:

17 All non-expert discovery, including motions to compel, shall be completed no later than
18 **November 9, 2018**. Initial expert witness disclosures by any party shall be served no
19 later than **November 16, 2018**. Supplemental expert witness disclosures by any party
20 shall be served no later than **December 7, 2018**.

21 IT IS SO ORDERED.

22
23 Dated: September 26, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE