

1 Andrew M. Hutchison (State Bar No. 289315)
COZEN O'CONNOR
2 101 Montgomery St., Suite 1400
San Francisco, California 94104
3 Tel: (415) 644-0914
4 Fax: (415) 644-0978
Email: ahutchison@cozen.com

5 Attorneys for Plaintiff,
6 COUNTRY FRESH BATTER, INC.,
d/b/a HOPE'S COOKIES

8 Bertram T. Kaufmann (State Bar No. 149499)
9500 S. DeWolf Avenue
9 P.O. Box 1350
Selma, CA 93622
10 Tel: (559) 834-6677
Email: bkaufmann@lionraisins.com

12 Brian C. Leighton (State Bar No. 090907)
LAW OFFICES OF BRIAN C. LEIGHTON
13 755 N. Peach Avenue, Suite G-10
Clovis, CA 93611
14 Tel: (559) 297-6190
Email: brian@lawleighton.com

16 Attorneys for Defendant, LION RAISINS, INC.

17 UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA

19 FRESNO DIVISION

20 COUNTRY FRESH BATTER, INC., D/B/A
HOPE'S COOKIES, a Pennsylvania
21 corporation,

22 Plaintiff,

23 v.

24 LION RAISINS, INC., a California corporation,

25 Defendant.

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

**STIPULATION TO ENLARGE TIME
FOR EXPERT DISCOVERY AND
[ORDER**

1 Pursuant to Local Rule 143 of the Local Rules of the District Court for the
2 Eastern District of California and this Court’s Amended Scheduling Conference
3 Order (ECF Dkt. No. 41), Plaintiff Country Fresh Batter, Inc., doing business as
4 Hope’s Cookies (“Plaintiff” or “Hope’s”) and Defendant Lion Raisins, Inc.
5 (“Defendant” or “Lion”) hereby submit the following Stipulation to enlarge the
6 time for expert discovery.

7 **RECITALS**

8 WHEREAS, on November 16, 2018, this Court held a Telephonic Status
9 Conference in which the parties addressed the scheduling of new case management
10 deadlines, including trial;

11 WHEREAS, on November 19, 2018, the Court entered an Amended
12 Scheduling Conference Order (ECF Dkt. No. 41), which requires the parties to
13 serve initial expert witness disclosures no later than February 19, 2019, to serve
14 supplemental expert witness disclosures no later than March 8, 2019, and to
15 complete all expert discovery, including motions to compel, no later than April 19,
16 2019;

17 WHEREAS, the Amended Scheduling Conference Order also requires the
18 parties to complete all non-expert discovery, including motions to compel, no later
19 than March 29, 2019;

20 WHEREAS, the parties have engaged in non-expert discovery after the
21 Court entered the Amended Scheduling Conference Order (*see* Declaration of
22 Andrew M. Hutchison (“Hutchison Decl.”) at ¶ 2);

23 WHEREAS, as of the filing of this Stipulation, the parties are actively
24 engaged in settlement discussions (*see* Hutchison Decl., ¶ 3);

25 WHEREAS, while the parties are engaged in settlement discussions, the
26 parties’ respective counsel have met and conferred and have agreed to request an
27 enlargement of time of three (3) weeks to March 12, 2019 for serving initial expert
28 disclosures, an enlargement of time of three (3) weeks to March 29, 2019 for

1 serving supplemental expert disclosures, and an enlargement of time of one (1)
2 week to April 26, 2019, to complete all expert discovery, including motions to
3 compel (*see* Hutchison Decl., ¶ 4);

4 WHEREAS, the parties' request for an enlargement of time for expert
5 discovery does not change the dates for the non-expert discovery cutoff, the
6 pretrial motion filing deadline, the pretrial conference scheduled for July 22, 2019,
7 or the jury trial scheduled for September 24, 2019 (*see* Hutchison Decl., ¶ 5).

8 **STIPULATION**

9 THEREFORE, IT IS HEREBY AGREED AND STIPULATED that the
10 time for expert discovery will be enlarged as follows: the parties to serve initial
11 expert witness disclosures no later than **March 12, 2019**, to serve supplemental
12 expert witness disclosures no later than **March 29, 2019**, and to complete all
13 expert discovery, including motions to compel, no later than **April 26, 2019**.

14 Dated: February 15, 2019

COZEN O'CONNOR

15 By: *s/ Andrew M. Hutchison*

16 Andrew M. Hutchison
17 Attorneys for Plaintiff
18 COUNTRY FRESH BATTER, INC.
D/B/A HOPE'S COOKIES

19 Dated: February 15, 2019

LION RAISINS, INC.

20 By: *s/ Bertram T. Kaufmann*

21 Bertram T. Kaufmann
22 Attorney for Defendant
23 LION RAISINS, INC.

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ORDER

Based upon the stipulation of the parties, and the interest of justice, it is HEREBY ORDERED that a limited continuance is warranted. The parties' initial expert witness disclosures shall be served by no later than March 12, 2019, the parties' supplemental expert witness disclosures shall be served no later than March 29, 2019, and all expert discovery, including motions to compel, shall be completed no later than April 26, 2019. All other dates previously set shall remain as set forth in the Amended Scheduling Conference Order dated November 19, 2018. (Doc. No. 41.) Settlement discussions are not good cause, and the parties are cautioned that any other continuance on that basis will be denied.

IT IS SO ORDERED.

Dated: February 15, 2019

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE