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15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF CALIFORNIA**
17 **FRESNO DIVISION**

18 **E. & J. GALLO WINERY**, a California
19 corporation; **GALLO GLASS COMPANY**, a
Nevada Corporation;

20 Plaintiff,

21 v.

22 **STRATEGIC MATERIALS, INC.**, a
23 Delaware corporation;

24 Defendant.

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CASE NO. 1:17-CV-01709-AWI-EPG

**JOINT STIPULATION AND ORDER TO
EXTEND THE CUTOFF FOR CERTAIN
DEPOSITIONS**

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THE PARTIES THROUGH THEIR UNDERSIGNED COUNSEL STIPULATE as follows:

WHEREAS, on September 10, 2019, this Court issued an Order Adopting Stipulation Regarding Scheduling Order In Part And Further Modifying The Scheduling Order (Dkt. No. 76), which, among other things orders that all depositions of Gallo FRCP 30(b)(6) witnesses on Batch Costs shall be completed by October 31, 2019;

WHEREAS, due to the varied geographic locations of the witnesses, the schedules of the parties and witnesses, and the conflicting travel obligations of counsel in October, the parties are unable to schedule all remaining depositions of Gallo 30(b)(6) witnesses prior to the October 31 deadline;

WHEREAS, having reviewed the respective schedules of counsel and the remaining witnesses, the parties propose completing the depositions of the following witnesses on or before November 8, 2019: Joe Majewski, Steve Nicolai, Alex Westmoreland, and Nigel Dart;

THEREFORE, the parties hereby stipulate and agree, and respectfully request that the Court order that, the parties may complete the depositions of Gallo 30(b)(6) witnesses Joe Majewski, Steve Nicolai, Alex Westmoreland, and Nigel Dart by November 8, 2019, and all other discovery deadlines remained unchanged.

DATED: October 22, 2019

GIBSON, DUNN & CRUTCHER LLP

By: s/ Jason Lo
Jason Lo
Attorneys for Defendant

DATED: October 22, 2019

COTCHETT, PITRE & McCARTHY, LLP

By: s/ Julie L. Fieber
Julie L. Fieber
Attorneys for Plaintiffs

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ORDER

Having considered the parties' stipulation, and good cause appearing therefore, the Court hereby orders:

The parties may complete the depositions of Gallo 30(b)(6) witnesses Joe Majewski, Steve Nicolai, Alex Westmoreland, and Nigel Dart by November 8, 2019, and all other discovery deadlines remained unchanged.

IT IS SO ORDERED.

Dated: October 22, 2019

/s/ Eric P. Shoj
UNITED STATES MAGISTRATE JUDGE