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DRAGADOS/FLATIRON, et al.

14  
15 UNITED STATES DISTRICT COURT  
16 EASTERN DISTRICT OF CALIFORNIA  
17

18 WEST PACIFIC ELECTRIC COMPANY  
CORPORATION,

19 Plaintiff,

20 v.

21 DRAGADOS/FLATIRON, a joint venture;  
22 LIBERTY MUTUAL INSURANCE  
COMPANY, a Massachusetts corporation;  
23 FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND, a Maryland corporation;  
24 ZURICH AMERICAN INSURANCE  
COMPANY, a New York corporation; THE  
25 CONTINENTAL INSURANCE COMPANY,  
a Pennsylvania corporation; XL SPECIALTY  
26 INSURANCE COMPANY, a Delaware  
corporation; THE INSURANCE COMPANY  
27 OF THE STATE OF PENNSYLVANIA, a  
Pennsylvania corporation; AMERICAN  
28 HOME ASSURANCE COMPANY, a New

Case No. 1:18-cv-00166-LJO-BAM

**STIPULATION TO CONTINUE  
DISCOVERY DEADLINES; ORDER**

Trial Date: March 17, 2020  
Complaint Filed: January 30, 2018

1 York corporation; NATIONAL INDEMNITY  
2 COMPANY, a Nebraska corporation;  
3 TRAVELERS CASUALTY AND SURETY  
4 COMPANY OF AMERICA, a Connecticut  
5 corporation; FEDERAL INSURANCE  
6 COMPANY, an Indiana corporation,

7 Defendants.

8 The parties to this Stipulation to Continue Discovery Deadlines are Plaintiff West Pacific  
9 Electric Company Corporation (“WPEC”), Defendant Dragados/Flatiron (“DFJV”), and  
10 Defendants Liberty Mutual Insurance Company, Fidelity and Deposit Company of Maryland,  
11 Zurich American Insurance Company, The Continental Insurance Company, XL Specialty  
12 Insurance Company, The Insurance Company of the State of Pennsylvania, American Home  
13 Assurance Company, National Indemnity Company, Travelers Casualty and Surety Company of  
14 America, and Federal Insurance Company (collectively referred to as “Surety Defendants”).  
15 Collectively, WPEC, DFJV and the Surety Defendants are hereinafter referred to as the “Parties.”

16 The Parties, through their respective counsel, jointly stipulate and respectfully request that  
17 the Court enter an Order continuing discovery deadlines (as more specifically identified further  
18 below) to allow more time for the Parties to complete its discovery prior to the current deadlines.

19 Good cause exists for modifying and continuing the requested deadlines because third-  
20 party, California High-Speed Rail Authority’s (“CHSRA”), subpoenaed documents were just  
21 recently fully produced to the Parties. On August 2, 2018, WPEC issued an amended Subpoena  
22 to Produce Documents, Information or Objects or to Permit Inspection of Premises (“Subpoena”)  
23 to CHSRA. (*See Declaration of Lisa D. Nicolls* at ¶ 2, and Exhibit A attached thereto.) The  
24 Subpoena sought production of all relevant documents, including emails in CHSRA’s possession  
25 regarding the high-speed rail project. (*Id.*) CHSRA’s responsive documents were due by  
26 September 4, 2018, and it produced thousands of documents, but failed to produce responsive  
27 emails as required per the Subpoena. (*Id.*)

28 In approximately November of 2018, CHSRA, by and through its legal counsel,  
communicated to WPEC that it had identified approximately 20,000 potentially responsive emails

1 and that a review was in process. (*Id.* at ¶ 3, and Exhibit B attached thereto.) CHSRA indicated  
2 that it would produce supplemental records in a rolling fashion. (*Id.*) However, by mid-  
3 December of 2018, CHSRA had not yet produced its email production and, via email dated  
4 December 13, 2018, advised that its supplemental production would be delayed due to a legal  
5 staff shortage. (*Id.* at ¶ 4, and Exhibit C attached thereto.)

6 On February 11, 2019, WPEC sent a formal meet and confer to CHSRA regarding the  
7 significantly delayed email production. (*Id.* at ¶ 5, and Exhibit D attached thereto.) In response,  
8 on February 25, 2019, CHSRA advised it had recently obtained permission from the Assistant  
9 Chief Counsel to hire outside counsel to assist with the review of the project emails and  
10 anticipated its production of documents would be completed no later than March 15, 2019. Those  
11 documents, which exceed 200,000 pages, were just recently received and have not yet been  
12 reviewed. (*Id.* at ¶ 6, and Exhibit E attached thereto.)

13 Given the unexpected delays in discovery thus far, the Parties request that the Court's  
14 previous Scheduling Order, including discovery deadlines, be amended with the following  
15 proposed dates:

16 1. Non-Expert Discovery Cut-Off: July 11, 2019

17 The Parties stipulate and agree that all other dates and deadlines set forth in the Court's  
18 Scheduling Conference Order will not be altered.

19 Dated: April 8, 2019

MURPHY AUSTIN ADAMS SCHOENFELD LLP

21 By: /s/ Lisa D. Nicolls

22 D. MICHAEL SCHOENFELD  
23 LISA D. NICOLLS  
24 Attorneys for Plaintiff  
25 WEST PACIFIC ELECTRIC COMPANY  
26 CORPORATION

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Dated: April 8, 2019

FINCH, THORNTON & BAIRD , LLP

By: /s/ David W. Smiley

P. RANDOLPH FINCH, JR.  
DAVID W. SMILEY  
Attorneys for Defendants  
DRAGADOS/FLATIRON, et al.

IT IS SO ORDERED.

Dated: April 18, 2019

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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**ORDER**

Pursuant to the parties' stipulation, and good cause appearing, IT IS HEREBY ORDERED that the Scheduling Order in this action is hereby modified as follows:

1. Non-Expert Discovery Cut-Off: July 11, 2019

The parties are further advised that no further extensions or modifications of the deadlines in this case will be granted absent a demonstrated showing of good cause.