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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SHIRLEY JACO on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

WINCO HOLDINGS, INC. and Does 1  
through 50, inclusive.

Defendants.

Case No. 1:18-CV-00301-DAD-EPG

STIPULATION TO EXTEND DISCOVERY  
CUT-OFF DATES AND ORDER

(ECF No. 58)

Pursuant to Local Rule 143, Defendant WinCo Holdings, Inc. (“WinCo” or “Defendant”) and Plaintiff Shirley Jaco (“Plaintiff”) jointly stipulate as follows:

The parties request that the Court continue the discovery and dispositive motion deadlines by six months for good cause, based on disruptions due to COVID-19 and state and local shelter in place orders, which have affected the parties’ ability to meet currently-scheduled pretrial and trial deadlines despite their diligence in litigating the case.

**STIPULATION**

1. On November 6, 2019, prior to the COVID shelter in place orders, the Court entered the following scheduling order following the parties’ mid-discovery status conference:

Further Mid-Discovery Status Conference	May 11, 2020
Non-Expert Discovery	August 21, 2020

1	Designation of Expert Witnesses	September 28, 2020
2	Rebuttal Designation of Expert Witnesses	October 28, 2020
3	Expert Discovery Cut-off	November 27, 2020
4	Dispositive Motion Deadline	January 22, 2021
5	Pretrial Conference	May 17, 2021
6	Jury Trial	September 20, 2021

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2. On May 11, 2020, the parties attended a further mid-discovery status conference and advised the Court that the parties may require an extension of the deadlines set by Minute Order on November 6, 2019, due to COVID-19 and state and local shelter in place orders.

3. The parties request to extend the case scheduling dates, as set out below. Good cause exists for this brief extension on this case, which has been diligently litigated, particularly where the pleadings have only recently settled on September 17, 2019, following the Ninth Circuit's denial of Plaintiff's petition for permission to appeal the District Court's order granting WinCo's motion to dismiss.

4. Following the Ninth Circuit's denial of Plaintiff's petition for permission to appeal, on October 23, 2019, Plaintiff served written discovery on Defendant. Since that date, the parties had just begun conducting discovery and requested a modification to the Court's scheduling order. (*See* ECF No. 50), which the Court granted on November 6, 2019 (ECF No. 51). To date, the Parties have propounded and responded to multiple sets of written discovery and are completing third-party written discovery.

5. Currently, the parties are attempting to schedule the deposition of the Plaintiff and WinCo employees. However, COVID-19 and state and local shelter in place orders have impeded the parties' ability to complete pre-deposition interviews and depositions before the current discovery cutoff date. Additionally, Plaintiff recently requested the deposition of a witness who is currently unavailable and on a personal leave of absence until mid-September.

6. Given the parties' diligence in litigating this action and ongoing disruptions in the litigation that are out of the parties' control due to COVID-19 and state and local shelter in place orders,

1 good cause exists for a limited, approximately six-month continuance of the discovery and dispositive  
2 motion dates, while keeping the trial date the same.

3 7. The requested extension (less than six months) is proportional and reasonable, and will  
4 allow the parties to conduct the needed.

5 8. Specifically, the parties seek continuances of the scheduling deadlines as follows:  
6

	<b>Prior Date</b>	<b>Proposed New Date</b>
7 Further Mid-Discovery Status Conference	May 11, 2020	N/A
8 Non-Expert Discovery Cutoff	August 21, 2020	February 12, 2021
9 Designation of Expert Witnesses	September 28, 2020	Unchanged
10 Rebuttal Designation of Expert Witnesses	October 28, 2020	Unchanged
11 Expert Discovery Cut-off	November 27, 2020	February 12, 2021
12 Dispositive Motion Deadline	January 22, 2021	March 5, 2021
13 Pretrial Conference	May 17, 2021	Unchanged
14 Jury Trial	September 20, 2021	Unchanged

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18 **IT IS SO STIPULATED.**  
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DATED: July 21, 2020

Respectfully submitted,  
SEYFARTH SHAW LLP

By: /s/ Christopher J. Truxler

Kristina M. Launey  
Michael Kopp  
Christopher J. Truxler

*Attorneys for Defendant*  
WINCO HOLDINGS, INC.

DATED: July 21, 2020

Respectfully submitted,  
WORKMAN LAW FIRM, PC

By: /s/ Robin G. Workman

Robin G. Workman  
Rachel E. Davey

*Attorneys for Plaintiff*  
SHIRLEY JACO, on behalf of herself and all  
others similarly situated

Attorney for Plaintiff agreed with the contents of  
this document and authorized the filer to use her  
electronic signature.

1 **ORDER**

2 On July 21, 2020, the parties filed a stipulation to modify the scheduling order. (ECF No. 58).  
3 The Court finds good cause to modify the dates as requested by the parties. However, because the  
4 parties requested a change to the dispositive motion deadline, the Court must also move the pretrial  
5 conference and trial.

6 Accordingly, is HEREBY ORDERED that the schedule shall be modified as follows:

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Event	New Date
Non-Expert Discovery Cutoff	February 12, 2021
Designation of Expert Witnesses	September 28, 2020 (unchanged)
Rebuttal Designation of Expert Witnesses	October 28, 2020 (unchanged)
Expert Discovery Cut-off	February 12, 2021
Dispositive Motion Deadline	March 5, 2021
Pretrial Conference	August 16, 2021 at 1:30 p.m.
Jury Trial	October 19, 2021 at 8:30 a.m.

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16 IT IS SO ORDERED.

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18 Dated: July 21, 2020

18 /s/ Eric P. Grogan  
19 UNITED STATES MAGISTRATE JUDGE