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6 Attorneys for Defendants
AMGUARD INSURANCE COMPANY and
7 WESTGUARD INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

11 DON JUAN FOODS, INC., a California
12 Corporation,

13 Plaintiff,

14 v.

15 AMGUARD INSURANCE COMPANY, a
16 Pennsylvania Corporation; WESTGUARD
INSURANCE COMPANY, a Pennsylvania
17 Corporation; and DOES 1-20 inclusive,

18 Defendants.

Case No. 1:20-cv-00499-NONE-SKO

**THIRD STIPULATION TO
EXTEND THE LITIGATION
DEADLINES; ORDER**

(Doc. 32)

Accompanying Document:
Declaration of Mathew S. Foy

1 Plaintiff Don Juan Foods, Inc. (“Plaintiff”) and Defendants AmGUARD Insurance
2 Company and WestGUARD Insurance Company (“Defendants”) (collectively “the Parties”)
3 stipulate as follows:

4 WHEREAS, on July 7, 2020, this Court issued a Scheduling Order setting forth deadlines.

5 WHEREAS, on November 3, 2020, this Court granted the Parties’ stipulation to extend the
6 deadlines for expert discovery.

7 WHEREAS, on December 28, 2020, the Parties filed a Stipulation to Modify Scheduling
8 Order to Extend the Litigation Deadlines.

9 WHEREAS, on January 18, 2021, this Court granted the Parties’ Stipulation of December
10 28, 2020.

11 WHEREAS, on March 4, 2021, the Parties filed a Second Stipulation to Modify Scheduling
12 Order to Extend the Litigation Deadlines to allow time to complete mediation and to account for
13 potential delays in discovery due to the COVID-19 pandemic.

14 WHEREAS, on March 8, 2021, this Court granted the Parties’ Stipulation of March 4,
15 2021.

16 WHEREAS, the Parties participated in mediation on May 18, 2021. While the mediation
17 was not successful, the Parties have agreed that it is in their best interest to permit further
18 investigation of certain claims in the litigation, and to pursue a further mediation after completion
19 of such investigation. (Declaration of Mathew S. Foy (“Foy Decl.”) at ¶ 2.)

20 WHEREAS, the Parties have met and conferred and agree that in order to allow time to
21 complete investigation of certain claims and to participate in a further mediation, and in the
22 interests of justice and to promote judicial economy, that the litigation deadlines in this action
23 should be further continued. (Foy Decl. at ¶ 3.)

24 WHEREAS, based on the foregoing, the Parties seek to continue the current litigation
25 deadlines in this action as follows:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Non-Expert Discovery	August 16, 2021	December 13, 2021

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EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Designation of Opening Experts with Reports	July 12, 2021	November 12, 2021
Designation of Rebuttal Experts with Reports	July 26, 2021	November 22, 2021
Expert Discovery Cutoff	October 11, 2021	February 11, 2022
Non-Dispositive Motion Filing	October 25, 2021	February 25, 2022
Non-Dispositive Motion Hearing	December 1, 2021	April 1, 2022
Dispositive Motion Filing	October 25, 2021	February 25, 2022
Dispositive Motion Hearing	According to Local Rules	According to Local Rules
Pre-Trial Conference	February 2, 2022	June 2, 2022

IT IS SO STIPULATED.

Dated: June 1, 2021
GORDON REES SCULLY MANSUKHANI, LLP

By /s/ Mathew S. Foy
Matthew S. Foy
Jennifer N. Wahlgren
Attorneys for Defendants
AMGUARD INSURANCE COMPANY and
WESTGUARD INSURANCE COMPANY

Dated: June 1, 2021
MERLIN LAW GROUP, P.A.

By /s/ Courtney Abrams (as authorized on 6.1.21)
Michael J. Ponzio
Courtney Abrams
Attorneys for Plaintiff
DON JUAN FOODS, INC.

ORDER

Pursuant to the foregoing Stipulation by the Parties (Doc. 32), and for good cause shown, Fed. R. Civ. P. 16(b)(4), IT IS HEREBY ORDERED that the current litigation deadlines be continued as follows:

EVENT	CURRENT DEADLINE	NEW DEADLINE
Non-Expert Discovery	August 16, 2021	December 13, 2021
Designation of Opening Experts with Reports	July 12, 2021	November 12, 2021
Designation of Rebuttal Experts with Reports	July 26, 2021	November 22, 2021
Expert Discovery Cutoff	October 11, 2021	February 11, 2022
Non-Dispositive Motion Filing	October 25, 2021	February 25, 2022
Non-Dispositive Motion Hearing	December 1, 2021	April 6, 2022 ¹
Dispositive Motion Filing	October 25, 2021	February 25, 2022
Dispositive Motion Hearing	According to Local Rules	According to Local Rules
Pre-Trial Conference	February 2, 2022	June 7, 2022 at 8:15 a.m. ²

IT IS SO ORDERED.

Dated: June 2, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

¹ Magistrate Judge Sheila K. Oberto hears civil motions on Wednesdays at 9:30 a.m.

² The parties requested a new pre-trial conference date of June 2, 2022, but due to the press of business, the Court continues the pre-trial conference to June 7, 2022.