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Attorney for Plaintiff,
Darren Gilbert

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARREN GILBERT,
Plaintiff,

vs.

DE ARANJAH INC. dba VALERO GRIP &
GO, et al.,

Defendants.

No. 1:22-cv-0994 DAD DB

**THIRD STIPULATION TO MODIFY
SCHEDULING ORDER; AND ORDER**

AND RELATED CROSS-CLAIM.

THIRD STIPULATION TO MODIFY SCHEDULING ORDER; AND ORDER

1 **WHEREAS**, the Court originally issued a Scheduling Order in this matter on May 23,
2 2023 (Dkt. 30);

3 **WHEREAS**, following the issuance of the Scheduling Order, the matter was transferred
4 on September 13, 2023 pursuant to Amended Local Rule 120 and reassigned to District Judge
5 Dale A. Drozd and Magistrate Judge Deborah Barnes (Dkt. 42);

6 **WHEREAS**, on September 21, 2023, Plaintiff Darren Gilbert (“Plaintiff”) filed a motion
7 for default judgment against defaulted defendant De Aranjah Inc. dba Valero Grip & Go (“De
8 Aranjah”) (Dkt. 43), which motion was denied without prejudice to its renewal (Dkt. 52), and
9 the motion was later re-filed on January 15, 2024 and was originally set for hearing on February
10 23, 2024 (Dkt. 54);

11 **WHEREAS**, Plaintiff and the remaining defendant, Gill McHenry Inc. (“Gill McHenry,”
12 and together with Plaintiff, the “Parties”), wish to conserve Court resources and limit the
13 expenditure of attorney’s fees and costs that will be incurred through fact and expert discovery
14 while awaiting the results of Plaintiff’s motion for default judgment against De Aranjah, which
15 will inform the scope of necessary discovery;

16 **WHEREAS**, for this reason, the Parties previously stipulated to, and the Court granted,
17 two continuances of discovery deadlines and trial (Dkt. 46 and 56);

18 **WHEREAS**, the hearing on Plaintiff’s motion for default judgment against De Aranjah
19 has now been continued to June 14, 2024 (Dkt. 61);

20 **WHEREAS**, the further continuance of the hearing on Plaintiff’s motion for default
21 judgment against De Aranjah necessitates a further modification of the Scheduling Order
22 pending the results of the motion;

23 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between the Parties,
24 through their respective attorneys of record, that the Scheduling Order be further modified as
25 follows:

	<u>Current Date</u>	<u>New Date</u>
26 Non-expert discovery cut-off	5/29/2024	7/31/2024
27		
28 Expert disclosures	6/12/2024	8/14/2024

THIRD STIPULATION TO MODIFY SCHEDULING ORDER; AND ORDER

1	Rebuttal expert disclosure	6/26/2024	8/28/2024
2			
3	Expert discovery cut-off	7/24/2024	9/25/2024
4	Dispositive motion filing deadline	8/23/2024	10/25/2024
5			
6	Pretrial Conference	11/12/2024 at 1:30 p.m.	1/13/2025 at 1:30 p.m.
7	Jury Trial	1/13/2025 at 9:00 a.m.	3/10/2025 at 9:00 a.m.

8
9 **IT IS SO STIPULATED.**

10 Dated: May 28, 2024

MOORE LAW FIRM, P.C.

11
12 /s/ Tanya E. Moore

Tanya E. Moore
Attorney for Plaintiff,
Darren Gilbert

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14
15 Dated: May 28, 2024

LAW OFFICES OF MAYOL &
BARRINGER, LLP

16
17 /s/ Nicholas J. Loncarich

W. Bart Barringer
Nicholas J. Loncarich
Attorneys for Defendant/Cross-Claimant,
Gill McHenry, Inc.

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ORDER

The Parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that the Scheduling Order in this matter is modified as

follows:

	<u>Current Date</u>	<u>New Date</u>
Non-expert discovery cut-off	5/29/2024	7/31/2024
Expert disclosures	6/12/2024	8/14/2024
Rebuttal expert disclosure	6/26/2024	8/28/2024
Expert discovery cut-off	7/24/2024	9/25/2024
Dispositive motion filing deadline	8/23/2024	10/25/2024
Pretrial Conference	11/12/2024 at 1:30 p.m.	1/14/2025 at 1:30 p.m.
Jury Trial	1/13/2025 at 9:00 a.m.	3/10/2025 at 9:00 a.m.

IT IS SO ORDERED.

DATED: May 31, 2024

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE