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 16 [Additional Attorneys Listed on Signature Page]

17 UNITED STATES DISTRICT COURT
 18 EASTERN DISTRICT OF CALIFORNIA

20 AMERIPRIDE SERVICES INC.,
 21 Plaintiffs,
 22 vs.
 23 VALLEY INDUSTRIAL SERVICES, INC.,
 24 a former California corporation, et al.,
 25 Defendants.

) Case No. 2:00-cv-00113-MCE-EFB
) JOINT STIPULATION AND ORDER TO
) MODIFY THE DISPOSITIVE MOTION
) COMPLETION DATE IN THE PRETRIAL
) SCHEDULING ORDER [DKT. NO. 988]
)
) Judge: Hon. Morrison C. England
) Trial Date: August 5, 2016

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 27 Plaintiff AMERIPRIDE SERVICES INC. ("AmeriPride") and Defendant TEXAS
 28 EASTERN OVERSEAS, INC. ("TEO"), by and through their respective counsel, stipulate

1 to modify the dispositive motion completion date in the Pretrial Scheduling Order [Dkt. No.
2 988], subject to the Court's approval, as follows:

3 RECITALS

4 1. Following remand from the Ninth Circuit Court of Appeals, the Court issued
5 its July 20, 2015 Pretrial Scheduling Order.

6 2. The Parties have diligently completed fact discovery, expert disclosures were
7 timely filed and served on November 30, 2015, and the Parties intend to timely file and
8 serve expert rebuttal reports by December 30, 2015.

9 3. TEO served three expert reports and AmeriPride served two expert reports.
10 Several of the expert reports are lengthy and will require significant time to prepare for
11 deposition of those experts.

12 4. The dispositive motion completion date is currently set for February 25, 2016.
13 Motions for summary judgment must be filed eight weeks before the hearing date. (Dkt.
14 No. 988 at 5). Applying these requirements results in the Parties' respective motions for
15 summary judgment being due the same day as expert rebuttal reports on December 30,
16 2015.

17 5. All discovery of expert witnesses, including depositions, must be completed in
18 "a timely manner in order to comply with the Court's deadline for filing dispositive motions."
19 (Dkt. No. 988 at 4.) Among other complications, this requirement results in the Parties
20 having to take all expert depositions before the service of expert rebuttal reports, and a
21 very short time before the Parties must file their motions for summary judgment. Further,
22 at least one of TEO's witnesses is not available for deposition until after December 30,
23 2015.

24 6. In order to timely complete all discovery of expert witnesses, and to provide
25 the Parties with the option to take expert depositions after expert rebuttal reports are
26 exchanged, the Parties respectfully request a two-month extension of the dispositive
27 motion completion date from the current date of February 25, 2016 to April 21, 2016. The
28 new deadline would result in motions for summary judgment being due by February 26,

1 2016 (eight weeks before the hearing). No other modifications are requested.

2 7. Pursuant to Fed. R. Civ. P. 16 and the Court's Pretrial Scheduling Order,
3 good cause exists for the requested extension because: (1) the Parties can take expert
4 depositions with the benefit of both the initial and rebuttal reports which will result in more
5 thorough discovery and presentation of experts at trial; (2) the Parties will have time to
6 evaluate the expert deposition testimony prior to filing their respective motions for
7 summary judgment which may streamline or entirely eliminate certain issues from the
8 dispositive motions; (3) the Parties will be able to use the expert deposition testimony in
9 support of their respective motions for summary judgment; (4) it will encourage, not
10 discourage, efficient pre-trial activities; and (5) it will not delay disposition of this case. For
11 these reasons, granting the Parties' requested extension will also promote judicial
12 economy.

13 STIPULATION

14 Based on the foregoing, AmeriPride and TEO agree and respectfully request that
15 the Court modify its Pretrial Scheduling Order to change the dispositive motion completion
16 date currently set for February 25, 2016 to April 21, 2016.

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18 Date: December 4, 2015

BASSI, EDLIN, HUIE & BLUM LLP

19
20 By: /s/ Fred M. Blum

21 FRED M. BLUM
22 ERIN K. POPPLER
23 Attorneys for Defendant
24 TEXAS EASTERN OVERSEAS, INC.

25
26 Date: December 4, 2015

WILSON, ELSER, MOSKOWITZ, EDELMAN
& DICKER LLP

27 By: /s/ Ronald S. Bushner

28 RONALD S. BUSHNER (SBN 98352)
SHANA INSPEKTOR (SBN 291841)
Attorneys for Defendant
TEXAS EASTERN OVERSEAS, INC.

1 Date: December 4, 2015

HUNSUCKER GOODSTEIN & NELSON PC

2
3 By: /s/ Brian L. Zagon

4 PHILIP C. HUNSUCKER
5 BRIAN L. ZAGON
6 Attorneys for Plaintiff
7 AMERIPRIDE SERVICES INC.

8 Date: December 4, 2015

PERKINS MANN & EVERETT, APC

9 By: /s/ Lee N. Smith

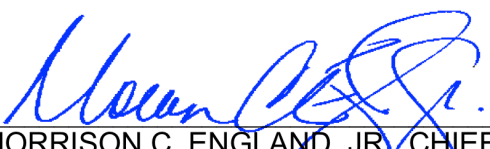
10 LEE N. SMITH
11 Attorneys for Plaintiff
12 AMERIPRIDE SERVICES INC.

13 ORDER

14 Based on the stipulation of the Parties and a showing of good cause, the Court
15 hereby modifies its Pretrial Scheduling Order to move the deadline for completion of
16 dispositive motions from February 25, 2016, to April 21, 2016.

17 IT IS SO ORDERED.

18 Dated: December 7, 2015

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21 MORRISON C. ENGLAND, JR., CHIEF JUDGE
22 UNITED STATES DISTRICT COURT
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