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6 Attorneys for Defendants/Cross-Complainants/  
Third Party Plaintiffs,  
7 THE DAVIS CENTER, LLC; EMILY STOVER,  
Individually and as Trustee of the STOVER FAMILY  
8 TRUST and as Personal Representative for Melvin Stover  
(Deceased); and RICHARD ALBERT STINCHFIELD,  
9 Individually and as Trustee of the ROBERT S.  
STINCHFIELD SEPARATE REAL PROPERTY TRUST  
10 and as Trustee of the BARBARA ELLEN STINCHFIELD  
TESTAMENTARY TRUST

11 **UNITED STATES DISTRICT COURT**

12 **EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION**

13 CHARLES LEWIS,

14 Plaintiff,

15 v.

16 ROBERT RUSSELL, et al.,

17 Defendants.

Case No. CIV S-03-2646 WBS KJM

**STIPULATION TO EXTEND  
DISCOVERY, DISCLOSURE, TRIAL  
AND OTHER DEADLINES SET FORTH  
IN THE PRETRIAL SCHEDULING  
ORDER AND [PROPOSED] ORDER  
THEREON**

Trial Date: September 22, 2015

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20 AND RELATED CROSS-ACTIONS.  
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22 THE DAVIS CENTER, LLC; EMILY STOVER, Individually and as Trustee of the  
23 STOVER FAMILY TRUST and as Personal Representative for Melvin Stover (Deceased); and  
24 RICHARD ALBERT STINCHFIELD, Individually and as Trustee of the ROBERT S.  
25 STINCHFIELD SEPARATE REAL PROPERTY TRUST and as Trustee of the BARBARA  
26 ELLEN STINCHFIELD TESTAMENTARY TRUST (collectively the “Davis Center”); Potter  
27 Taylor & Company, and its predecessors-in-interest: Potter, Long, Adams & Taylor, Ltd.; Davis  
28 Center; Potter-Taylor, Inc.; and Potter Taylor & Scurfield, Inc.; Robert D. Russell (Deceased) and

1 Irene Russell; the City of Davis; Marie L. Whitcombe (Deceased); and Charles H. Lewis and  
2 Jane W. Lewis (Deceased) (collectively the “Participating Parties”) are parties to the above-  
3 captioned matter. The Davis Center previously moved to amend the scheduling order (Docket  
4 No. 447) and the Participating Parties stipulated to extend the deadlines to disclose experts  
5 (Docket No. 458) in order to provide the Davis Center with sufficient time to complete an  
6 investigative study to determine the efficacy of a potential site remedy. The Court entered Orders  
7 granting the Motion (Docket No. 457) and approving the Stipulation (Docket No. 460). The  
8 Participating Parties entered into a further stipulation to amend the scheduling order to allow time  
9 to produce and compile data associated with the investigative study (Docket No. 472). The Court  
10 entered an Order approving the Stipulation (Docket No. 474).

11           The initial site work or field portion of that investigative study has been completed. The  
12 data from the investigative study is still currently being compiled. According to the Davis  
13 Center’s consultants, however, it will now require at least one to two more additional months to  
14 produce and compile the data and complete final testing associated with the investigative study.  
15 Given the additional work the Davis Center plans to complete, expert disclosures and production  
16 of the reports are premature because these disclosures and reports would lack the data generated  
17 from the investigative study and, as a result, these reports would be incomplete. Such a result  
18 would create needless work and expense to the parties.

19           The data and reports are necessary to determine the efficacy of a potential site remedy  
20 and, as a result, will help the parties with their settlement efforts. The Participating Parties  
21 appearing in the above-entitled action do hereby stipulate to extend the following deadlines four  
22 months:

- 23           1. Disclosure of experts and production of reports, no later than: January 12, 2015;
- 24           2. Rebuttal experts and production of rebuttal expert reports, no later than: March 10,  
25           2015;
- 26           3. Discovery deadlines: no later than July 20, 2015;
- 27           4. Motion deadline: no later than September 21, 2015;
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5. Final pretrial conference on November 20, 2015 or such time that is convenient for the Court;

6. Jury Trial on January 22, 2016, or such time that is convenient for the Court.

**SO STIPULATED.**

DATED: August 15, 2014 /s/ William J. Ferguson  
Chad N. Dunigan  
William J. Ferguson  
Attorneys for Defendants/Cross-Complainants/  
Third Party Plaintiffs, THE DAVIS CENTER, LLC;  
EMILY STOVER, Individually and as Trustee of the  
STOVER FAMILY TRUST and as Personal Representative  
for Melvin Stover (Deceased); and RICHARD ALBERT  
STINCHFIELD, Individually and as Trustee of the  
ROBERT S. STINCHFIELD SEPARATE REAL  
PROPERTY TRUST and as Trustee of the BARBARA  
ELLEN STINCHFIELD TESTAMENTARY TRUST

DATED: August 15, 2014 /s/ Jeffory J. Scharff  
Jeffory J. Scharff  
Attorney for Potter Taylor & Company, and its  
predecessors-in-interest: Potter, Long, Adams & Taylor,  
Ltd.; Davis Center; Potter-Taylor, Inc.; and Potter Taylor &  
Scurfield, Inc.

DATED: August 15, 2014 /s/ Daniel W. Smith  
Daniel W. Smith  
Attorneys for Robert D. Russell (Deceased) and Irene  
Russell.

DATED: August 15, 2014 /s/ Jennifer Hartman King  
Jennifer Hartman King  
King Williams & Gleason LLP  
Attorneys for the City of Davis.

DATED: August 15, 2014 /s/ Olivia Marie Wright  
Steven H. Goldberg  
Olivia Marie Wright  
Attorneys for Marie L. Whitcombe (Deceased)

1 DATED: August 15, 2014

/s/ S. Craig Hunter

S. Craig Hunter

Attorney for Charles H. Lewis and Jane W. Lewis  
(Deceased)

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**ORDER**


Accordingly, for good cause and pursuant to the above stipulation of the Participating Parties, IT IS HEREBY ORDERED that:

1. Disclosure of experts and production of reports must occur no later than January 12, 2015;
2. Rebuttal experts and production of rebuttal expert reports must occur no later than March 10, 2015;
3. All discovery must be completed no later than July 20, 2015;
4. All motions to be filed no later than September 21, 2015;
5. Final pretrial conference is reset to **November 23, 2015 at 2:00 p.m.**
6. Jury trial is set for **January 20, 2016 at 9:00 a.m.** and
5. All other dates set forth in the Court's Order re motion to amend status (pretrial

scheduling) order (Docket No. 457) shall remain the same.

**IT IS SO ORDERED.**

Dated: August 18, 2014

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE