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UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA

11 Larry Downing, 12                   Plaintiff, 13           v. 14 Corning Truck Wash, Robert Wanchek, 15                   Defendants.	}	CASE NO. 2:07-CV-01599-JAM-EFB  <b>STIPULATION AND ORDER RE:          EXTENSION OF DISCOVERY          DEADLINES AND EXPERT          DISCLOSURE DATES SET FORTH          IN STATUS (PRE-TRIAL          SCHEDULING) ORDER DATED          MAY 13, 2009</b>
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Action Filed: August 4, 2007  
 Trial Date: June 14, 2010

IT IS HEREBY STIPULATED by and among Defendants, CORNING TRUCK WASH and ROBERT WANCHEK (hereinafter collectively "Defendants"), and Plaintiff, LARRY DOWNING (hereinafter "Plaintiff"), as follows:

(1) Plaintiff and Defendants have been diligently pursuing discovery in the above-entitled action.

(2) Plaintiff and Defendants, through counsel, have met and conferred on the status of on-going discovery issues, discovery deadlines and expert disclosure dates set forth in the Court's Status (Pre-Trial Scheduling) Order filed May 13, 2009.

1 (3) Plaintiff and Defendants agree that additional time is necessary to  
2 complete discovery in the above-entitled action due to the number of witnesses  
3 remaining to be deposed by the parties, the location of several out-of-state  
4 witnesses, as well as the difficulty of scheduling a physical examination of Plaintiff  
5 due to Plaintiff's travels and lack of permanent address.

6 (4) Pursuant to Federal Rule of Civil Procedure 16(b)(4), good cause exists  
7 for, and the parties stipulate to, a modification and extension of the current  
8 discovery deadline and expert disclosure dates set forth in the May 13, 2009 Status  
9 (Pre-Trial Scheduling) Order as follows:

10 (i) The date for completion of all discovery, and resolution of any disputes  
11 relative to discovery by appropriate court order, shall be extended from the  
12 current date of February 3, 2010 to March 1, 2010.

13 (ii) The date for expert disclosures under Federal Rule of Civil Procedure  
14 26(a)(2) shall be extended from the current date of November 27, 2009 to  
15 January 11, 2010.

16 (iii) The date for supplemental expert disclosures and disclosures of any  
17 rebuttal experts under Federal Rule of Civil Procedure 26(a)(2)(c) shall be  
18 extended from the current date of December 11, 2009 to January 25, 2010.

19 (5) The rescheduling of the above discovery and expert disclosure dates shall  
20 in no way interfere with the other aspects of the litigation and shall not impact any  
21 other dates set forth in the May 13, 2009 Status (Pre-Trial Scheduling) Order.  
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23 DATED: November \_\_, 2009 LEWIS BRISBOIS BISGAARD & SMITH LLP  
24

25 By \_\_\_\_\_  
26 Brigitte M. Mayo  
27 Attorney for Defendants  
28 CORNING TRUCK WASH  
and ROBERT WANCHEK

1 DATED: November \_\_\_, 2009 LAW OFFICES OF NATHANIEL POTRATZ

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3  
4 By \_\_\_\_\_  
5 Nathaniel Potratz  
6 Attorney for Plaintiff  
7 LARRY DOWNING

8 **ORDER**

9 Pursuant to the parties' Stipulation, and for GOOD CAUSE SHOWN, the  
10 Court GRANTS the parties' request and AMENDS the May 13, 2009 Status (Pre-  
11 Trial Scheduling) Order as follows:

12 (i) All discovery, and resolution of any disputes relative to discovery, shall  
13 be completed by March 1, 2010.

14 (ii) The parties shall make expert witness disclosures under Federal Rule of  
15 Civil Procedure 26(a)(2) by January 11, 2010.

16 (iii) The parties shall make supplemental expert witness disclosures and  
17 disclosures of any rebuttal experts under Federal Rule of Civil Procedure  
18 26(a)(2)(c) by January 25, 2010.

19 All other dates and conditions set forth in the May 13, 2009 Status (Pre-  
20 Trial Scheduling) Order are maintained.

21 IT IS SO ORDERED.

22 Date: November 20, 2009

23 /s/ John A. Mendez  
24 UNITED STATES DISTRICT COURT JUDGE