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14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

16

17 SAM BESS,

18 Plaintiff,

19 v.

20 MATTHEW CATE, DAVID SHAW,
 RODERICK HICKMAN, JEANNE
 21 WOODFORD, JOHN DOVEY, SCOTT
 KERNAN, and MARTIN HOSHINO,

22 Defendants.
 23

Case No. 2:07-CV-01989-JAM-JFM

**STIPULATION AND ORDER
 EXTENDING DEADLINES**

Judge: Hon. John A. Mendez

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25 Plaintiff Sam Bess (“Plaintiff”) and Defendants Matthew Cate, David Shaw, Roderick
 26 Hickman, Jeanne Woodford, John Dovey, Scott Kernan, and Martin Hoshino (“Defendants”),
 27 collectively referred to as the “Parties,” respectfully request that the Court extend the deadlines in
 28 this litigation. The Parties hereby stipulate as follows:

1 1. Pursuant to the Court's May 7, 2008 Pre-Trial Scheduling Order (Docket No. 41),
2 the following dates and deadlines currently apply to this litigation:

Event	Date
Parties to Exchange Initial Expert Witness Disclosures Under Fed. R. Civ. P. 26(a)(2)	April 10, 2009
Parties to Exchange Supplemental and Rebuttal Expert Witness Disclosures Under Fed. R. Civ. P. 26(a)(2)(C)	April 17, 2009
Completion of Fact Discovery	June 26, 2009
Deadline for Dispositive Motions	July 29, 2009
Hearing on Dispositive Motions	August 26, 2009 at 9:00 am
Parties to File Joint Pre-Trial Statement	October 2, 2009
Final Pre-Trial Conference	October 9, 2009 at 2:00 pm
Trial	November 16, 2009 at 8:30 am

13 2. The parties continue to meet and confer on open discovery issues. Further, the
14 Court's Order granting Plaintiff's motion to compel Defendants Cate and Shaw's production of
15 certain documents has been stayed pending resolution of their appeal. Briefing in the appeal is
16 not scheduled to be completed until July 10, 2009, and it may not be fully resolved until months
17 later. The Parties therefore agree that a six-month extension of the above deadlines (subject to the
18 Court's availability) is appropriate in order to complete fact discovery and trial preparation. The
19 parties further note, however, that additional extensions may be necessary depending on when the
20 Ninth Circuit appeal is complete and the result of that appeal.

21 3. The Parties request that the Court adopt the following dates and deadlines:

Event	Date
Parties to Exchange Initial Expert Witness Disclosures Under Fed. R. Civ. P. 26(a)(2)	October 9, 2009
Parties to Exchange Supplemental and Rebuttal Expert Witness Disclosures Under Fed. R. Civ. P. 26(a)(2)(C)	October 23, 2009
Completion of Fact Discovery	December 22, 2009
Deadline for Dispositive Motions	January 27, 2010

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ORDER (AS MODIFIED BY THE COURT)

Based on the Parties' stipulation and for good cause shown, the following schedule will apply to this litigation:

Event	Date
Parties to Exchange Initial Expert Witness Disclosures Under Fed. R. Civ. P. 26(a)(2)	October 9, 2009
Parties to Exchange Supplemental and Rebuttal Expert Witness Disclosures Under Fed. R. Civ. P. 26(a)(2)(C)	October 23, 2009
Completion of Fact Discovery	December 22, 2009
Deadline for Dispositive Motions	February 3, 2010
Hearing on Dispositive Motions	March 3, 2010 at 9:00 am
Parties to File Joint Pre-Trial Statement	April 2, 2010
Final Pre-Trial Conference	April 9, 2010 at 3:00 pm
Trial	May 17, 2010 at 9:00 am

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

Dated: April 6, 2009

/s/ John A. Mendez

HON. JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE