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6 VIKING INDUSTRIES, INC., an Oregon
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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

11 LYNDA CARTWRIGHT and LLOYD
CARTWRIGHT on behalf of themselves
12 and all others similarly situated,

13 Plaintiffs,

14 v.
15

16 VIKING INDUSTRIES, INC., an Oregon
corporation, and Does 1 through 100,
17 inclusive,

18 Defendants.

CASE NO. 2:07-cv-2159 FCD/EFB

**FOURTH STIPULATION TO AMEND
SCHEDULING ORDER AND ORDER
THEREON**

Complaint filed: August 16, 2007

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21 WHEREAS, further disputes have arisen between Plaintiffs Lloyd and Lynda Cartwright
22 (“Plaintiffs”) and Defendant Viking Industries, Inc. (“Viking”) related to the Order granting
23 Plaintiffs’ motion to compel responses to discovery (Document No. 64) (the “Discovery Order”);
24 and

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26 WHEREAS, Plaintiffs filed a motion to compel further responses and for sanctions that
27 was heard on January 21, 2009, before Magistrate Judge Brennan; and

28 WHEREAS, by a previous stipulations, the cutoff for non-expert discovery was set as

1 January 26, 2009; and

2 WHEREAS, on January 21, 2009, in response to Plaintiffs' motion to compel further
3 responses and for sanctions Magistrate Judge Brennan has ordered Viking to produce certain data;
4 and

5 WHEREAS, Magistrate Judge Brennan ordered the data to be produced by January 23,
6 2009, as a result of the currently set cut off date for non-expert discovery being January 26, 2009;
7 and

8 WHEREAS, the parties believe additional time is necessary both for Viking to produce
9 and deliver to Plaintiffs' counsel the ordered data, and for Plaintiffs' counsel to review and
10 analyze the produced data in advance of the cut off date for non-expert discovery; and

11 WHEREAS, the parties are requesting only a total of fourteen additional days to address
12 the issues raised by Judge Brennan's order of January 21, 2009 and an additional thirty days to
13 complete the remaining pre-certification non-expert depositions, and all other dates will remain
14 unchanged;

15 NOW, THEREFORE, the parties stipulate as follows:

- 16
- 17 1. Viking will produce the data as required by Magistrate Judge Brennan's order on
18 or before January 28, 2009; and discovery related to matters which are the subject
19 of the Magistrate Judge Brennan's January 21, 2009 order shall be completed by
20 February 4, 2009;
 - 21 2. The deposition of Meriza Rodrigues and the Viking designee(s) selected to testify
22 concerning communications with Plaintiffs shall be completed by February 25,
23 2009;
 - 24 3. All other dates set forth in the Scheduling Order, as amended by prior stipulations
25 and orders, shall remain the same.
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Dated: January 21, 2009

BIRKA-WHITE LAW OFFICES

By: _____
David M. Birka-White

Counsel for Plaintiffs Lloyd and Lynda
Cartwright

Dated: January 21, 2009

ROPER, MAJESKI, KOHN & BENTLEY

By: _____
J. Mark Thacker

Counsel for Defendant Viking Industries, Inc.

ORDER

IT IS SO ORDERED this 22nd day of January, 2009



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE