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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMCO INSURANCE COMPANY,)	
)	2:08-cv-01355-GEB-JFM
Plaintiff,)	
)	<u>AMENDMENTS TO</u>
v.)	<u>SCHEDULING ORDER</u>
)	
BROAN-NUTONE, LLC; JAKEL, INC.,)	
d/b/a Jakel Industries, Inc., ¹)	
)	
Defendants.)	
)	

On August 26, 2009, Defendants filed an emergency application in which they seek to extend the expert witness disclosure dates, without saying anything about how the extension Defendants seek bears on other scheduled dates. On August 31, 2009, Plaintiff filed an opposition to the application, in which it argues the application should have been filed sooner, and if it is granted it would have a negative impact on the expert witness discovery completion date. Sufficient information is in the application to justify a some type of continuance of the expert witness the initial expert witness disclosure dates, even though Plaintiff appears correct in its argument in which it challenges the timeliness of the application.

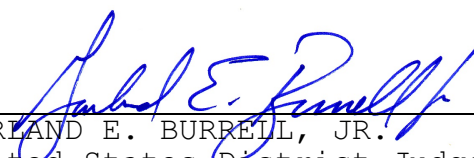
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¹ The caption above was modified to reflect dismissal of Doe Defendants in an order filed September 9, 2008.

1 Therefore, the expert witness disclosure dates will be
2 extended but not precisely as Defendants request since what Defendants
3 seek is not practical. The Rule 16 scheduling order is amended as
4 follows:

- 5 (1) Each party shall comply with Federal Rule of Civil
6 Procedure 26(a)(2)(c)(i)'s initial expert witness
7 disclosure requirements on or before October 15, 2009,
8 and any contradictory and/or rebuttal expert disclosure
9 authorized under Rule 26(a)(2)(c)(ii) on or before
10 November 18, 2009;
- 11 (2) expert witness discovery shall be completed by January
12 15, 2010;
- 13 (3) the last hearing date for motions shall be February 22,
14 2010, at 9:00 a.m.;
- 15 (4) the final pretrial conference is rescheduled to
16 commence at 11:00 a.m. on April 19, 2010; a Joint
17 Pretrial statement shall be filed seven days before the
18 final pretrial conference, along with proposed jury
19 instructions on the substantive issues to be tried,
20 proposed voir dire, a trial brief, and a proposed
21 verdict form. If the judge is to decide an issue,
22 proposed findings and conclusions of law shall also be
23 filed.
- 24 (5) Trial shall commence at 9:00 a.m. on May 18, 2010.

25 Dated: August 31, 2009

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GARLAND E. BURRELL, JR.
United States District Judge