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8 Attorneys for Plaintiff, MERCURY CASUALTY COMPANY
9 As Subrogee of RICHARD and KATHRYN SCHLENKER;
10 RICHARD and KATHRYN SCHLENKER

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 MERCURY CASUALTY COMPANY,
14 a California Corporation, as Subrogee of
15 RICHARD and KATHRYN
16 SCHLENKER; RICHARD
17 SCHLENKER, individually; and
18 KATHRYN SCHLENKER,
19 individually,

20 Plaintiffs,

21 vs.

22 CHAR-BROIL, a Division of W.C.
23 BRADLEY COMPANY, a Georgia
24 Corporation; TARGET
25 CORPORATION, a Minnesota
26 Corporation; and DOES 1-100,
27 inclusive,

28 Defendants.

Case No. 2:08-cv-01374-MCE-KJM

Assigned to the Honorable Morrison C.
England, Jr.

STIPULATION RE REQUEST FOR
MODIFICATION OF SECOND
PRETRIAL SCHEDULING ORDER
PURSUANT TO Fed. R. Civ. P. 16;
LOCAL RULE 16-270; ORDER

IT IS HEREBY STIPULATED by and between the undersigned parties, by and
through their counsel of record, as follows:

The parties agree and request that this Honorable Court modify its Second
Pretrial Scheduling Order based on good cause for the following reasons:

1 1. This is a product liability case in which it is alleged that a component
2 part manufactured by Third Party Defendant, S. H. Leggitt Company d/b/a Marshall
3 Gas Controls (“Leggitt”) and incorporated into a product manufactured by Defendant
4 Char Broil caused or contributed to Plaintiff’s damage.

5 2. On or about February 19, 2010 Leggitt filed a Notice of Filing of
6 Bankruptcy under Chapter 11 of the Bankruptcy Code with resulting automatic stay
7 of all proceedings against it.

8 3. The Automatic Stay provisions of the Bankruptcy Code stay the
9 proceedings in this matter as to Leggitt. By virtue of the Bankruptcy Stay, the parties
10 are enjoined from engaging in any discovery against Leggitt.

11 4. Counsel for Char Broil has engaged in dialogue with bankruptcy counsel
12 for Leggitt, and with Plaintiffs’ counsel, and it has been collectively agreed that a
13 continuance of certain dates in the Pretrial Scheduling Order for up to 150 days will
14 be potentially sufficient for the Chapter 11 process to be concluded and for some
15 discovery to take place. Additionally the Parties request that the dates in the Pretrial
16 Scheduling Order be amended to allow for the third party Leggitt to participate in
17 discovery after it has been reorganized in bankruptcy and the stay is lifted.

18 5. Plaintiff and Defendant have agreed to participate in private mediation in
19 Southern California within the next 60 days. In coordination with the bankruptcy
20 trustee, Leggitt will be invited to attend this mediation with a view to resolving the
21 entire case.

22 Accordingly, the parties agree and request that this Honorable Court modify its
23 Second Pretrial Scheduling Order as follows:

24 That the fact discovery deadline shall be extended 150 days 11/11/10

25 That the Expert witness disclosure date shall be extended 150 days to 1/11/11

26 That the motion hearing deadline shall be continued to 2/7/11

27 That the Court continue the Final Pretrial Conference for 60 days.

28 That the Court continue the trial setting for 60 days.

1 6. The parties agree that this modification will best serve the parties' interests
2 in light of the Leggitt bankruptcy as well as the need to conserve resources and
3 explore the possibilities of a resolution while keeping the case on track to trial.

4
5 IT IS SO STIPULATED:

6
7 Dated: July 13, 2010

PAGE, SCRANTON, SPROUSE,
TUCKER & FORD, P.C.

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10 By: /S/ James C. Clark, Jr.

11 James C. Clark, Jr.
12 Kirsten C. Stevenson
13 Attorneys for Defendants W.C.
14 BRADLEY CO. and TARGET
15 CORPORATION

16 Dated: July 13, 2010

LAW OFFICES OF ROBERT A.
STUTMAN, P.C.

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19
20 By: /S/ Timothy E. Cary


21 Timothy E. Cary, Esq.
22 Attorneys for Plaintiffs, MERCURY
23 CASUALTY COMPANY as
24 Subrogee of RICHARD AND
25 KATHRYN SCHLENKER; and
26 RICHARD and KATHRYN
27 SCHLENKER, Individually
28

ORDER

GOOD CAUSE APPEARING, the Second Pretrial Conference Scheduling

Order will be modified to reflect the foregoing stipulation of the parties. A revised Pretrial Scheduling Order will be forthcoming from the Court.

Dated: July 14, 2010


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE