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15 Attorneys for Defendant
 16 SIERRA PACIFIC INDUSTRIES

17 UNITED STATES DISTRICT COURT
 18 EASTERN DISTRICT OF CALIFORNIA

19 U.S. EQUAL EMPLOYMENT
 20 OPPORTUNITY COMMISSION,

21 Plaintiff,

22 AHMED ELSHENAWY,

23 Plaintiff/Intervenor

24 v.

25 SIERRA PACIFIC INDUSTRIES,

26 Defendant.

Case No. 2:08-CV-01470-MCE-KJN

STIPULATION REGARDING LIMITED RE-
 OPENING OF DISCOVERY AND [PROPOSED]
 ORDER

27 Plaintiff Equal Employment Opportunity Commission (EEOC), Plaintiff-Intervenor Ahmed
 28 Elshenawy and Defendant Sierra Pacific Industries (SPI) jointly respectfully request that the Court
 allow the limited discovery described below. Discovery in this case closed on November 9, 2009.

1 However, the trial of the case is not scheduled to begin until January 30, 2012. No party will be
2 prejudiced by the granting of the instant request and current pre-trial deadlines will not be affected.

3 Good cause exists for the granting of the instant request. Plaintiffs received Defendant's
4 disclosure of witness Ed Bond on the day of the discovery deadline. As such, Plaintiffs claim that
5 Defendant did not timely disclose Mr. Ed Bond as a potential witness pursuant to Federal Rule of Civil
6 Procedure 26. Plaintiffs believe that allowing Mr. Bond's testimony at trial would result in unfair
7 prejudice to Plaintiffs' case unless they are afforded an opportunity to depose Mr. Bond and to conduct
8 discovery concerning and/or relating to his testimony. Absent such measures, and considering the
9 resulting prejudice, Plaintiffs would object to Mr. Bond being called as a witness at trial.

10 Defendant claims that it did timely disclose Mr. Bond and believes that Mr. Bond's exclusion as
11 a witness at trial would be detrimental to its defense. Defendant agrees to make Mr. Bond available for
12 a deposition.

13 In addition, during discovery, the parties encountered difficulty locating witness Kristi
14 Duneheew and scheduling her deposition. Ms. Duneheew will cooperate with the scheduling of her
15 deposition for June 23, 2011.

16 The parties have extensively met and conferred about the foregoing matters and stipulate to the
17 terms set out below. Accordingly, the parties respectfully request that the Court issue an order as
18 follows:

19 1. Discovery shall be re-opened for the limited purpose of allowing Plaintiff EEOC and
20 Intervenor Elshenawy to, pursuant to the Federal Rules of Civil Procedure, (a) conduct one joint
21 deposition of Mr. Ed Bond and to (b) conduct any other discovery that is reasonably related to Ed
22 Bond's testimony, including written and deposition discovery. In consideration of the foregoing,
23 Plaintiff EEOC and Intervenor Elshenawy waive any objection to Defendant Sierra Pacific Industries'
24 proffer of Ed Bond as a witness at trial.

25 2. All depositions shall be completed and all written discovery shall be served no later
26 than July 31, 2011. In addition, any unresolved discovery dispute which may arise and which cannot
27 be resolved informally between the parties shall be presented to the assigned Magistrate no later than
28 August 31, 2011.

1 3. Plaintiff EEOC and Intervenor Elshenawy shall conduct one joint deposition of Kristi
2 Dunehew pursuant to the Federal Rules of Civil Procedure, and Defendant SPI shall make her
3 available for such deposition.

4 Dated: May 17, 2011

DUN & MARTINEK LLP

/s/ Shelley C. Addison

Shelley C. Addison
Attorney for Defendant
SIERRA PACIFIC INDUSTRIES

8 Dated: May 17, 2011

DOWNEY BRAND

/s/ Daniel J. Coyle

Daniel J. Coyle
Attorney for Defendant
SIERRA PACIFIC INDUSTRIES

13 Dated: May 17, 2011

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

/s/Linda Ordonio-Dixon

Linda Ordonio-Dixon
Attorney for Plaintiff
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

18 Dated: May 17, 2011

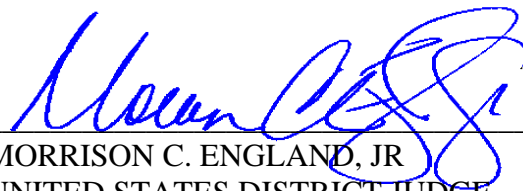
DEEMS & KELLER, LLP

/s/ Michael R. Deems

Michael R. Deems
Attorney for Plaintiff/Intervenor
AHMED ELSHENAWY

22 IT IS SO ORDERED.

24 Date: May 18, 2011

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26 
27 MORRISON C. ENGLAND, JR.
28 UNITED STATES DISTRICT JUDGE