

1 **BOUTIN GIBSON DI GIUSTO HODELL INC.**

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8 Attorneys for plaintiff Concrete Washout Systems, Inc.

9 **UNITED STATES DISTRICT COURT**

10 **EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO DIVISION**

11	CONCRETE WASHOUT SYSTEMS, INC., a )	<b>Case No.: 2:08-CV-02088-GEB-KJM</b>
	California corporation, )	
12	)	<b>STIPULATED REQUEST TO</b>
	Plaintiff, )	<b>MODIFY STATUS (PRETRIAL</b>
13	vs. )	<b>SCHEDULING) ORDER</b>
	)	
14	NEATON COMPANIES, LLC, )	
	)	
15	Defendants. )	
	)	
16	)	
	)	
17	)	

18 Plaintiff Concrete Washout Systems, Inc. (“CWS”) and Defendant Neaton Companies, LLC  
19 through their attorneys, hereby stipulate and request modification of this Court’s Amended Status  
20 (Pre-Trial Scheduling) Order, filed December 16, 2008 (Dkt. 43).

21 The status order establishes September 15, 2009 as the date that discovery is to be completed.  
22 The parties request that the status order be modified to briefly extend the discovery cutoff to October  
23 8, 2009.

24 The parties submit that there is good cause for the requested modification. The depositions of  
25 Neaton Companies, LLC, and its affiliates Chris Neaton and Kelly Neaton, were originally scheduled  
26 to take place on August 31, 2009 and September 1, 2009 in Minnesota. However, these witnesses  
27 and their counsel cannot be available for the depositions until September 22, 2009 and September 23,  
28 2009. In order to accommodate the schedule of defendant, its affiliated witnesses and defense

1 counsel, the parties agree that a modest extension of the discovery completion date is necessary so  
2 that plaintiff may depose key witnesses and complete discovery. The requested modification does not  
3 impact the motion hearing schedule, final pretrial conference, or trial setting.

4 The parties therefore request and stipulate that the Court modify the Status (Pretrial  
5 Scheduling) Order, Dkt. 43, to extend the deadline for completion of discovery to October 8, 2009.

6 **IT IS SO STIPULATED.**

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8 Dated: August 21, 2009

BOUTIN GIBSON DI GIUSTO HODELL INC.

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10 By: /s/ Maralee MacDonald  
Chris Gibson  
Maralee MacDonald  
Attorneys for Plaintiff  
Concrete Washout Systems, Inc.

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15 Dated: August 21, 2009

SANTORO, DRIGGS, WALCH, KEARNEY,  
HOLLEY & THOMPSON

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18 By: /s/ Thomas G. Grace (authorized 8/21/09)  
Thomas G. Grace – Admitted Pro Hac Vice  
Attorneys for Defendants and Counterclaimants  
Neaton Companies, LLC

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**IT IS SO ORDERED.**



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Dated: 9/3/09

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Hon. Garland E. Burrell, Jr.  
United States District Court Judge

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