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 (successor in interest to ALBERTSONS INC.  
 11 and ALBERTSONS LLC)

12 **UNITED STATES DISTRICT COURT**  
 13 **EASTERN DISTRICT OF CALIFORNIA**

14  
 15 ANDREA VAN SCOY, LYNDA AZEVEDO,  
 16 DIANA MURDOCK, CHRISTINA  
 17 CARNES, MINA JO GUERRERO,  
 18 MIRACLE JOHNSON, ROSANNE  
 LAZUKA, PATRICIA LOGAN, TERESA  
 LYON, THERESA ORTH, AND MARA  
 GRACE SMITH,

CASE NO. 2:08-cv-02237-MCE-KJN

**JOINT STIPULATION AND REQUEST  
 TO MODIFY PRE-TRIAL SCHEDULING  
 ORDER AND TO CONTINUE TRIAL  
 AND ALL TRIAL-RELATED DATES;  
 ORDER THEREON**

19 Plaintiff,

20 v.

21 NEW ALBERTSON’S, INC.,  
 22 ALBERTSON’S, INC., SAVE-MART  
 SUPERMARKETS, INC., LUCKY’S INC.;  
 and DOES 1 through 25 inclusive,

23 Defendant.

24  
 25  
 26 The parties hereby jointly submit the following stipulation and request to continue the  
 27 dates set forth in the Court’s February 2, 2010 minute order setting trial and trial-related dates,  
 28 and to modify the Court’s pre-trial scheduling order dated February 10, 2010:

1           WHEREAS, in late 2009, Plaintiff's counsel, Jill Barwick, was notified that her father  
2 was gravely and terminally ill;

3           WHEREAS Plaintiffs' counsel is a sole practitioner and needed to take time off to care  
4 for her father and to administer his estate; that the day-to-day demands combined with the  
5 uncertainty of his final day, other than it being "imminent," limited counsel's availability to  
6 participate in discovery during that time period;

7           WHEREAS the parties accordingly agreed to place discovery on hold in this matter until  
8 February 1, 2010;

9           WHEREAS, as of the date of this stipulation, Defendant has yet to complete the  
10 depositions of eight (8) of the eleven (11) Plaintiffs, and Plaintiffs also need to complete the  
11 depositions of key witnesses. Depositions in this matter have been difficult to coordinate due to  
12 the conflicting schedules of counsel and the witnesses. Additionally, and pursuant to stipulation  
13 by the parties, certain of the plaintiffs' depositions have taken more than one day to complete,  
14 and it is expected that some of the remaining depositions of plaintiffs and key defense witnesses  
15 will take more than one day to complete;

16           WHEREAS the parties believe that a modification of the current pre-trial scheduling  
17 order and a continuance of the trial and trial-related dates is necessary to ensure that they can  
18 conduct the necessary discovery related to their respective claims and defenses, and that  
19 Defendant may timely file additional summary judgment motions as appropriate; and

20           WHEREAS the discovery cutoff date in this matter is currently set for August 2, 2010,  
21 the expert discovery deadline is set for September 8, 2010, and the deadline for hearings on  
22 motions for summary judgment is set for November 1, 2010. The trial in this matter is currently  
23 set for September 6, 2011, and the final pretrial conference is set for July 7, 2011. The joint final  
24 pretrial statement is due June 16, 2011, with evidentiary or procedural motions, oppositions and  
25 replies thereto due filed by June 16, June 23, and June 30, respectively. These motions are  
26 currently scheduled to be heard at the final pretrial conference on July 7, 2011. Trial briefs,  
27 witness lists and exhibit lists are currently due filed by June 23, 2011. The parties jointly  
28 respectfully request that these dates be continued as follows:



1 **ORDER**


2 Upon reviewing the parties' Stipulation and request to modify pre-trial scheduling order  
3 and continue trial and trial-related dates, and good cause appearing therefor, the Court hereby  
4 grants the parties' requests, in part, and modifies the current pre-trial scheduling order as  
5 follows:

- 6 • Discovery Cutoff: December 31, 2010
- 7 • Expert Disclosure: February 28, 2010
- 8 • Designation of Rebuttal Experts: March 21, 2010
- 9 • Last Day for Hearing on Dispositive Motions: April 29, 2011

10 The dates associated with the Final Pretrial Conference and Trial will remain the same as  
11 previously established inasmuch as those dates have already been reserved by the Court and need  
12 not be changed, even after accommodating the extended deadlines now being afforded pursuant  
13 to the parties' stipulation.

14 IT IS SO ORDERED.

15 DATED: August 5, 2010

16   
17 MORRISON C. ENGLAND, JR.  
18 UNITED STATES DISTRICT JUDGE