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 7 Attorneys for Defendant  
 HENRY SCHEIN, INC.

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10 HOLLY NAUS,  
 11 Plaintiff,  
 12  
 v.  
 13 HENRY SCHEIN, INC.,  
 14 Defendant.

Case No. 2:08-CV-02497-LKK-DAD

**STIPULATION AND ORDER TO EXTEND  
 DISCOVERY CUT-OFF**

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 17 The parties, through their respective counsel, seek to amend the Court-ordered  
 18 deadline to complete discovery in this matter. Accordingly, the parties stipulate that:

19 1. On October 21, 2008, Plaintiff Holly Naus filed a civil action United States  
 20 District Court, Northern District of California. Trial is currently set for November 2, 2009

21 2. Plaintiff alleges, inter alia, gender discrimination and sexual harassment.  
 22 Defendant denies all such allegations.

23 3. The Court ordered, in consultation with the parties, at the conclusion of a Case  
 24 Management Conference on April 22, 2009, that the parties complete Discovery on or before January  
 25 13, 2009.

26 4. On September 1, 2009 Plaintiff served deposition notices for seven  
 27 individuals to be taken in November and December. On September 15, 2009 Defendant sent Plaintiff  
 28 a letter indicating that the Defendant's counsel, Daniel Cravens was unavailable the days the

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1 deposition but would provide alternative dates. Over the next few weeks both Plaintiff and Defendant  
2 diligently attempted to find dates that worked for both counsel and the noticed individuals.

3 5. Mr. Cravens, was unavailable the second week of October due to depositions  
4 in another case. Plaintiff's counsel, Rayma Church, was unavailable the last two weeks of October  
5 based on her notice of unavailability. This pushed the depositions of the seven individuals into  
6 November.

7 6. On October 26, 2009 Defendant's counsel's, Daniel Cravens, father suffered a  
8 heart attack and has been hospitalized in critical condition, requiring Mr. Cravens to take two weeks  
9 leave. Mr. Cravens' father is expected to be hospitalized for at least another month

10 7. To compound this issue, Mr. Cravens has a trial scheduled for February 8,  
11 2010 in an unrelated matter. The discovery cutoff in this case is December 7, 2009. As such, much of  
12 Mr. Cravens time through out November and early December was used to reschedule the depositions  
13 he was unable to attend in the February 8, 2010 case.

14 8. Furthermore, on November 16, 2009 Ms. Church, began trial in an unrelated  
15 matter. Ms. Church's trial is currently ongoing and anticipated to last until December 4, 2009, but  
16 may continue into the next week. As a result of her trial, Mr. Church has been unavailable since Mr.  
17 Cravens' return.

18 9. Due to the above issues, the parties have been unable to set the depositions.  
19 Furthermore, these issues have also made it impossible for the parties to meet and confer properly on  
20 many of the outstanding discovery issues.

21 10. The parties agree that provided an extension they will be able to resolve many,  
22 if not all, of the out standing discovery issues. The parties further agree that it will be impossible to  
23 complete the remaining depositions prior to January 13, 2010 and hereby stipulate to and request that:

- 24 a. The last day hear Motions to compel discovery be moved to March 15,  
25 2010
- 26 b. The last day to file and serve brief statements re motions be moved to  
27 March 31, 2010
- 28 c. The discovery cut -off be moved to April 13, 2010

1 d. The last day to hear law and motion matters be moved to April 30, 2010

2 11. The Parties agree that the remainder of the Court ordered deadlines may  
3 remain as previously ordered but also agree to changes in subsequent deadlines the court may deem  
4 necessary.

5 Respectfully submitted,

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7 Dated: November 30, 2009

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/s/ \_\_\_\_\_  
RAYMA J. CHURCH, ESQ.  
EMERSON, COREY, SORENSEN,  
CHURCH & YOHMAN  
Attorneys for Plaintiff  
ROWENA CURIEL

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13 Dated: November 30, 2009

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/s/ \_\_\_\_\_  
DANIEL J. CRAVENS  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendant  
HENRY SCHEIN, INC.

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20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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22 Dated: December 8, 2009

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

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