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16 IN THE UNITED STATES DISTRICT COURT

17 FOR THE EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO

19 DALE M. WALLIS, D.V.M., JAMES L.
20 WALLIS, and HYGIEIA BIOLOGICAL
LABORATORIES, INC.,

21 Plaintiffs,

22 v.

23 CENTENNIAL INSURANCE COMPANY,
24 INC., a New York corporation; ATLANTIC
MUTUAL INSURANCE CO., INC.,

25 Defendants.

26
27 AND RELATED COUNTERCLAIM
28

CASE NO.: 2:08-CV-02558-WBS-GGH

**STIPULATION AND ~~PROPOSED~~ ORDER
RE: EXTENDING DISCOVERY DEADLINE
FOR DEFENDANTS TO TAKE
DEPOSITIONS**

Complaint Filed: October 27, 2008

Trial Date: February 20, 2013

1 Plaintiffs and counter-defendants DALE M. WALLIS, D.V.M., JAMES L. WALLIS and
2 HYGIEIA BIOLOGICAL LABORATORIES, INC. (collectively referred to herein as the
3 “Plaintiffs”), and defendants and counter-claimants CENTENNIAL INSURANCE COMPANY,
4 INC., and ATLANTIC MUTUAL INSURANCE CO., INC. (collectively referred to herein as the
5 “Defendants”), all parties to the above-captioned action, stipulate to the following:

6 On May 1, 2012, the Court issued a Further Scheduling Order [Doc. 141] setting the
7 discovery cut-off date in the above-captioned matter as September 28, 2012. Thereafter, on
8 September 11, 2012, the Defendants noticed the depositions of the following to take place in Walnut
9 Creek, California, on September 28, 2012:

- 10 1) Dale M. Wallis, D.V.M., at 8:00 a.m.;
- 11 2) James L. Wallis at 10:00 a.m.;
- 12 3) Person most knowledgeable (5 categories) for Hygieia Biological Laboratories at 12:00
13 p.m.;
- 14 4) Attorney Joanna R. Mendoza at 2:00 p.m.;
- 15 5) Attorney Joel C. Baiocchi at 4:00 p.m.

16 Each deposition was noticed to “continue from day to day, Sundays and holidays excepted, at the
17 same time and location, until completed or unless the parties agree on other mutually convenient
18 dates.”

19 On September 13, 2012, Joel Baiocchi, co-counsel for the Plaintiffs, notified Gary Selvin,
20 attorney for the Defendants, that he was unavailable through September 24, 2012, for a scheduled
21 vacation before he went in for surgery to remove a blockage in his right carotid artery on September
22 25, 2012. Recovery at the hospital would take 2 to 3 days, and Mr. Baiocchi’s surgeon has advised
23 that he should not return to work for three to four weeks following the surgery. Therefore, he would
24 not be available for his deposition before the close of discovery.

25 On September 21, 2012, Joanna Mendoza, co-counsel for the Plaintiffs, notified Gary Selvin
26 that Dr. Wallis was unavailable on September 28, 2012, for her deposition due to a previously
27 scheduled business conference in Wisconsin that she was attending the first week in October and
28 several appointments on September 28 that had to be completed in preparation for that trip. In

1 addition, on that date she was the only person available to provide transportation to and from school
2 for her child.

3 Because of the unavailability of Joel Baiocchi and Dr. Wallis to have their depositions taken
4 on September 28, 2012, the parties have reached a stipulation to move the depositions previously
5 scheduled for that date to November 5, 2012. If a second day is necessary it has been agreed that the
6 second day will be held in Sacramento, preferably at a conference room in the attorney lounge at the
7 federal courthouse if one is available.
8

9 SO STIPULATED,
10

11 DATED: September 28, 2012

LAW OFFICES OF JOANNA R. MENDOZA, P.C.

13 By: /s/ Joanna R. Mendoza
14 Joanna R. Mendoza
Attorney for Plaintiffs

15 SO STIPULATED.

16 DATED: September 28, 2012

SELVIN WRAITH HALMAN LLP

18 By: /s/ Gary R. Selvin
19 Gary R. Selvin
Attorneys for Defendants

20
21 IT IS SO ORDERED.

22 DATED: September 28, 2012

23 

24 WILLIAM B. SHUBB
25 UNITED STATES DISTRICT JUDGE
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