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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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DALE M. WALLIS, D.V.M., JAMES  
L. WALLIS, and HYGIEIA  
BIOLOGICAL LABORATORIES, INC.,  
a California Corporation,

Plaintiffs,

v.

CENTENNIAL INSURANCE COMPANY,  
INC., a New York corporation,  
and ATLANTIC MUTUAL INSURANCE,  
CO., INC., a New York  
corporation,

Defendants,

\_\_\_\_\_ /

AND RELATED COUNTERCLAIMS AND  
THIRD-PARTY COMPLAINT.

\_\_\_\_\_ /

NO. CIV. 08-02558 WBS GGH

ORDER RE: EX PARTE APPLICATION  
FOR EXTENSION OF TRIAL DATE,  
DISPOSITIVE MOTION CUTOFF,  
DISCOVERY COMPLETION, AND  
DISCOVERY MOTION DATES

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On February 28, 2013, the court granted defendant  
Atlantic Mutual's motion for judgment on the pleadings. (Feb.  
28, 2013 Order (Docket No. 212).) The court allowed plaintiffs  
twenty days from the date of the Order to file an amended

1 complaint "consistent with [the] Order." (Id. at 20 (emphasis  
2 added).)

3 Plaintiffs filed a First Amended Complaint ("FAC") on  
4 March 20, 2013. (Docket No. 214.) Defendants then filed an ex  
5 parte application to extend the trial, dispositive motion cutoff,  
6 discovery completion, and discovery motion dates. (Docket No.  
7 215.) The court struck the FAC and granted plaintiff leave to  
8 amend consistent with its February 28, 2013, and March 29, 2013  
9 orders. (Mar. 29, 2013 Order (Docket No. 216).) It denied  
10 defendants' ex parte application as moot. (Id.)

11 Plaintiffs filed a revised FAC on April 4, 2013.  
12 (Docket No. 217.) Defendants renewed their ex parte application  
13 to extend the trial, dispositive motion cutoff, discovery  
14 completion, and discovery motion dates. (Document No. 220.)  
15 Plaintiffs filed an opposition. (Document No. 221.)

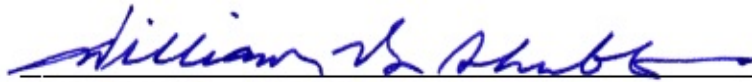
16 The court has reviewed the papers submitted by all  
17 parties, but finds them to be of little assistance. A stranger  
18 to this litigation who read both plaintiffs' and defendants'  
19 recounting of its history could not be faulted for believing that  
20 she read about two different actions. The level of  
21 contentiousness between these parties will only be exacerbated by  
22 further unnecessary delays.

23 However, due to the difficulties arising from Mr.  
24 Baiocchi's health, the court will extend the date for completion  
25 of discovery of March 15, 2013, by ninety days to June 13, 2013,  
26 for the sole purpose of allowing defendants to depose Mr.  
27 Baiocchi and Ms. Mendoza and resolving any related discovery  
28 disputes that may arise from those depositions. Discovery

1 otherwise remains closed. Defendants have provided insufficient  
2 reason for the court to extend the trial and dispositive motion  
3 cutoff dates. Thus, in all other respects, defendants' ex parte  
4 application will be denied.

5 IT IS SO ORDERED.

6 DATED: April 29, 2013

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9 WILLIAM B. SHUBB  
10 UNITED STATES DISTRICT JUDGE  
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