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16 Attorneys for Defendants,
17 CALIFORNIA ASSOCIATION OF
18 PROFESSIONAL FIREFIGHTERS,
19 CALIFORNIA ASSOCIATION OF
20 PROFESSIONAL FIREFIGHTERS
21 LONG-TERM DISABILITY PLAN;
22 and CALIFORNIA ADMINISTRATION
23 INSURANCE SERVICES, INC.
24 and KENNETH BLANTON, DENNIS
25 CAMPANALE, GENE DANGEL, JAMES
26 FLOYD, CHARLES GLUCK,
27 BRIAN PINOMAKI, and WILLIAM
28 SOQUI, Individually and as Plan Directors

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

21 **DAVID BARBOZA,**

22 Plaintiff,

23 v.

24 **CALIFORNIA ASSOCIATION OF**
25 **PROFESSIONAL FIREFIGHTERS,**
26 et al.,

27 Defendants.

) **Case No. CIV S-08-02569 FCD GGH**

)
) **STIPULATION AND ORDER RE:**
) **MODIFICATION TO PRETRIAL**
) **SCHEDULING ORDER**

1 WHEREAS the Court issued it's Pretrial Scheduling Order on February 29, 2009, which
2 set the cut-off date for expert discovery at April 15, 2010 and the latest date for hearing
3 dispositive motions as June 18, 2010;

4 WHEREAS one of Defendants' primary counsel was deployed to Afghanistan in the Air
5 National Guard for four months between September 2009 and January 2010, impacting the
6 parties' ability to complete all non-expert discovery early in the case;

7 WHEREAS several of the expert witnesses in this matter are accountants with very
8 limited availability for deposition between March 15, 2010 and April 15, 2010, and other experts
9 had previously scheduled trips out of the country during that time;

10 WHEREAS Defendants' counsel was also unavailable for almost two weeks of this
11 period due to a previously scheduled trip;

12 WHEREAS despite the best efforts and diligence of counsel for both Plaintiff and
13 Defendants, several depositions of expert witnesses were not able to be completed before April
14 15, 2010;

15 WHEREAS the parties have recently engaged in meaningful settlement discussions with
16 a realistic potential for resolving most, if not all, of the issues in dispute in this matter;

17 WHEREAS the parties believe that mediation would significantly increase the likelihood
18 of settlement and the parties are exploring mediation at this time;

19 WHEREAS the parties believe that mediating the case before the necessity of completing
20 expert discovery and briefing dispositive motions would also likely increase the chances of
21 resolving many, if not all, issues in dispute in this matter;

22 WHEREAS the parties believe that even if the case does not completely settle, several
23 issues are likely to be resolved which would significantly streamline the issues that the Court
24 must address in dispositive motions and potentially the trial of the case, thus easing the burden
25 on the Court and reducing the expense to both parties;

26 WHEREAS the parties believe that they will be able to complete the settlement
27 discussions and, if necessary, complete expert discovery and dispositive motions if any issues
28 remain unresolved if they are given an additional 60 days;

1 WHEREAS the parties believe that good cause exists for extending expert discovery and
2 dispositive motions in this matter to allow the parties to resolve any issues that can be resolved
3 without burdening the Court;

4 THEREFORE, THE PARTIES STIPULATE that, pursuant to Federal Rule of Civil
5 Procedure 16(b)(4), good cause exists for modifying the Court's Pretrial Scheduling Order to
6 allow an additional 60 days to complete expert discovery and dispositive motions, and that
7 therefore the expert discovery cut-off date should be changed to June 25, 2010, and the last date
8 to hear dispositive motions should be changed to August 20, 2010. Should these changes
9 necessitate a change to the date of the trial and/or final pretrial conference in this matter, the
10 parties stipulate that the anticipated resolution of at least some of the issues to be decided warrant
11 such change.

12 Dated: April 26, 2010

LAW OFFICE OF GEOFFREY V. WHITE

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15 By /S/ Geoffrey V. White
16 Geoffrey V. White,
 Attorney for Plaintiff
 DAVID BARBOZA

17 Dated: April 26, 2010

WEINTRAUB GENSHLEA CHEDIAK

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19
20 By: /S/ Louis A. Gonzalez, Jr.
 Louis A. Gonzalez, Jr.
 Attorneys for Defendants
21 CALIFORNIA ASSOCIATION OF
22 PROFESSIONAL FIREFIGHTERS,
23 CALIFORNIA ASSOCIATION OF
24 PROFESSIONAL FIREFIGHTERS
25 LONG-TERM DISABILITY PLAN;
26 CALIFORNIA ADMINISTRATION
 INSURANCE SERVICES, INC., KENNETH
 BLANTON, DENNIS CAMPANALE, GENE
 DANGEL, JAMES, FLOYD, CHARLES
 GLUCK, BRIAN PINOMAKI and WILLIAM
 SOQUI.

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1 **ORDER**

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3 As it appears that the parties are working diligently to resolve issues and streamline the

4 issues in this matter and have been unable, despite their best efforts, to complete expert

5 discovery in the time set by the Pretrial Scheduling Order, the Court finds that good cause exists

6 for modifying its Pretrial Scheduling Order as follows:

7 IT IS SO ORDERED that the Pretrial Scheduling Order shall be amended to extend

8 expert discovery to June 25, 2010, and to extend the last date to hear dispositive motions to

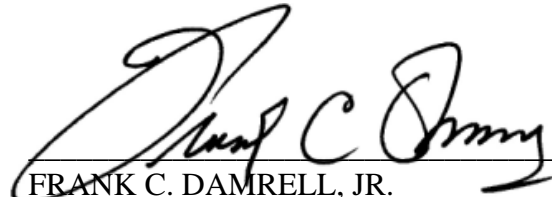
9 August 20, 2010. As a result of these changes, the Final Pretrial Conference, previously set for

10 August 27, 2010, is changed to **October 29, 2010, at 2:00 p.m.**, and the trial previously set for

11 November 2, 2010, is changed to **January 25, 2011, at 9:00 a.m.**

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13 DATE: April 27, 2010

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15 FRANK C. DAMRELL, JR.
16 UNITED STATES DISTRICT JUDGE

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