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9 **UNITED STATES DISTRICT COURT**

10 **EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO DIVISION**

11 COUNTY OF SACRAMENTO, as a
 member of and on behalf of
 12 SACRAMENTO REGIONAL COUNTY
 SANITATION DISTRICT,
 13

14 Plaintiff,

15 v.

16 CALABRIAN CORPORATION, an Illinois
 corporation, and DOES 1-100,
 17

18 Defendants.

CASE NO. 2:09-CV00344-MCE-EFB

**STIPULATION AND ORDER TO
 CONTINUE DATE FOR SETTLEMENT
 CONFERENCE AND TO CONTINUE
 DISCOVERY, EXPERT DISCOVERY
 CUT-OFF, AND MOTION CUT-OFF
 DATES**

Complaint Filed: 12/30/08

[Assigned to Magistrate Judge Edmund F Brennan]

Discovery Cutoff: 6/4/10
 Motion Cutoff: 10/7/10
 Trial Date: 4/2/12

19
 20 Pursuant to United States District Court, Eastern District of California, Local Rule
 21 143, the undersigned parties, by and through their counsel of record, hereby stipulate as
 22 follows:

- 23 1. A settlement conference has been scheduled in this matter before Judge
- 24 Dale A. Drozd on June 10, 2010 at 10:00 a.m.
- 25 2. The parties wish to and hereby agree to continue the settlement conference
- 26 for at least sixty (60) days.
- 27 3. Good cause exists to continue the settlement conference. Counsel for
- 28 Calabrian Corporation, Wyeth E. Burrows, has a pre-paid family vacation to attend a

1 family wedding which starts on June 10, 2010. Counsel for Calabrian attempted to send
2 another attorney from its office, who would be familiar with the facts of this case and
3 prepared to participate in the settlement conference. However, the insurance carrier for
4 Calabrian has specifically requested Mr. Burrows attend the settlement conference since
5 he is the individual who is most knowledgeable of the facts of this case.

6 4. The parties are also in the process of scheduling a private mediation in this
7 case in San Diego in June or July, 2010. Counsel for both parties are located in San
8 Diego and the parties have engaged in some preliminary settlement discussions. The
9 parties agree that they would like to exhaust voluntary mediation efforts prior to flying to
10 Sacramento to conduct a settlement conference before the court.

11 5. Accordingly, the parties hereby stipulate and agree to continue the
12 settlement conference and respectfully request that the court continue the settlement
13 conference sixty (60) days or until a date thereafter that is convenient for the court.

14 6. Furthermore, the court has set the discovery cut-off in this case for June 4,
15 2010, the expert disclosure deadline for August 4, 2010, the supplemental expert
16 disclosure deadline for August 24, 2010, and the deadline to file motions in this case for
17 October 7, 2010. In light of the fact that the parties are pursuing voluntary mediation in
18 this case, and the fact that the trial date in this case has already been continued to April
19 2, 2012, the parties further agree that the discovery and motion cut-off dates should be
20 continued for a period of at least six (6) months to allow the parties to complete mediation
21 prior to engaging in further depositions, written discovery, and/or the designation of
22 experts.

24 DATED: May 11, 2010

WOOD, SMITH, HENNING & BERMAN LLP

26 By: /s/

27 LANE E. WEBB
28 WYETH E. BURROWS
RANJAN A. LAHIRI

Attorneys for Defendant CALABRIAN
CORPORATION, a Delaware Corporation
(erroneously sued and served as CALABRIAN
CORPORATION, an Illinois Corporation)

DATED: May 11, 2010

COZEN O'CONNOR

By: /s/

GERARD P. HARNEY


Attorneys for Plaintiff COUNTY OF
SACRAMENTO, as a member of and on behalf of
SACRAMENTO REGIONAL COUNTY
SANITATION DISTRICT

ORDER

Having read the foregoing stipulation and, good cause appearing, IT IS HEREBY
ORDERED that the settlement conference in this matter is hereby continued to
August 26, 2010 at 10:00 a.m. The parties are ordered to submit confidential settlement
conference statements not later than August 19, 2010.

IT IS FURTHER ORDERED that the pre-trial discovery cut-off date and other
related pre-trial dates are hereby continued. Since the modification of the discovery
dates in this case necessarily requires modification of all scheduling dates, the Court will
issue an Amended Pretrial Scheduling Order within ten (10) days of the date this Order is
electronically filed.

DATED: May 12, 2010


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE