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7 IN THE UNITED STATES DISTRICT COURT  
 8 IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

<p>9 GRETCHEN STITES-CUNNINGHAM,          Individually and as Guardian ad Litem for          10 ASHLEY STITES, a Minor,          11          Plaintiffs,          12          vs.          13 AQUA LEISURE INDUSTRIES, INC. and          WAL-MART STORES, INC., THE          14 UNITED STATES OF AMERICA, and          DOES 1-50, inclusive,          15          Defendants.          16</p> <hr/> <p>17 AND RELATED CROSS ACTIONS.          18</p>	<p>Case No. 2:09-cv-00590 LKK CMK</p> <p>STIPULATION TO EXTEND EXPERT          DISCLOSURES FROM MARCH 1ST          UNTIL APRIL 1ST AND RULING ON          THE PENDING MOTIONS</p> <p>Action Removed: March 3, 2009          Trial Date : January 25, 2011</p>
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19 COMES NOW PLAINTIFF GRETCHEN STITES-CUNNINGHAM, DEFENDANT  
 20 WAL-MART STORES, INC., DEFENDANT and CROSS COMPLAINANT AQUA  
 21 LEISURE INDUSTRIES, INC., and DEFENDANT AND CROSS-DEFENDANT THE  
 22 UNITED STATES OF AMERICA and hereby STIPULATE to extend the expert witness  
 23 disclosure deadline from March 1, 2010 until April 1, 2010 and for rebuttal reports from April  
 24 1, 2010 until April 15, 2010.

25 Good cause exists for this brief extension of time based on the fact that the United  
 26 States has settled this case with Plaintiff contingent upon this Court's approval of a pending  
 27 Motion for Good Faith Settlement Determination. The United States' Motion is scheduled for  
 28 hearing on March 8, 2010. Also scheduled for hearing on March 8, 2010 is Plaintiff's Motion

STIPULATION RE: EXPERT DISCLOSURES

1 for Approval of a Petition for Minor's Compromise and a Motion to Remand the case to state  
2 court. If these motions are granted, it is anticipated that the case will be remanded to state  
3 court, thereby eliminating the need for Rule 26(a)(2)(B) expert disclosures. The parties would  
4 like to avoid the continued extensive expense associated with expert reports that may not be  
5 needed in this case. The parties hope that this continuance will allow sufficient time to receive  
6 a ruling on the pending motions.

7 The parties previously requested a change to the original scheduling order to allow for  
8 more than 45 days for the completion of expert discovery. That stipulated change was  
9 approved and the schedule amended on June 5, 2009. No other changes to this Court's  
10 Scheduling Orders have been requested. This stipulation does not affect any of the other dates  
11 or requirements in the Court's scheduling order including, without limitation, the May 26, 2010  
12 discovery cutoff, the July 26, 2010 deadline for hearing dispositive motions, the October 25,  
13 2010 pre-trial conference and the January 25, 2011 trial.

14 Except as expressly stated herein, this stipulation does not augment, impact, change or  
15 otherwise affect the Court's prior scheduling orders or the Federal Rules of Civil Procedure that  
16 govern this action.

17 IT IS SO STIPULATED.

18 DATED: February 11, 2010

By: /s/ G. Dennis Halkides  
G. DENNIS HALKIDES  
HALKIDES, MORGAN & KELLEY  
Attorneys for the PLAINTIFFS

19  
20 DATED: February 11, 2010

BENJAMIN B. WAGNER  
Acting United States Attorney

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By: /s/ Kelli L. Taylor  
KELLI L. TAYLOR  
Assistant U.S. Attorney  
Attorneys for the United States

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23  
24 DATED: February 11, 2010

By: /s/ Bruce L. Shaffer  
BRUCE L. SHAFFER  
LEWIS BRISBOIS BISGAARD & SMITH  
Attorneys for Wal-Mart Stores, Inc., and Aqua  
Leisure Industries, Inc.

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**ORDER**

Based on the parties' stipulation, and good cause otherwise appearing, this Court hereby GRANTS the requested change in the scheduling order so that the deadline for expert witness disclosures is continued from March 1, 2010 until April 1, 2010 and the deadline for rebuttal reports is continued from April 1, 2010 until April 15, 2010. This stipulation does not affect any of the other dates or requirements in the Court's scheduling order including, without limitation, the May 26, 2010 discovery cutoff, the July 26, 2010 deadline for hearing dispositive motions, the October 25, 2010 pre-trial conference and the January 25, 2011 trial. Except as expressly stated herein, this stipulation does not augment, impact, change or otherwise affect the Court's prior scheduling orders or the Federal Rules of Civil Procedure that govern this action.

IT IS SO ORDERED

Dated: February 22, 2010

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

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