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11 E.B. KEYES,
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

E.B. KEYES,) Case No.: 2:09-cv-01297 JAM EFB
14 Plaintiff,)
15 vs.)
16 FEDEX GROUND PACKAGING SYSTEMS,) JOINT STIPULATION AND ORDER TO
17 INC., GENERAL SERVICES) MODIFY STATUS (PRE-TRIAL)
18 ADMINISTRATION, CHRISTINE COLEY,) SCHEDULING ORDER
19 an individual; and DOES 1 through 10,)
Defendant)

Pursuant to Civ. L.R. 7-12, the parties to the above-captioned action, by and through their undersigned counsel of record, hereby request that this Court approve the following Stipulation to modify the Status (Pre-trial) Scheduling Order and Trial Date so that the parties may complete percipient and expert discovery, and adjudicate dispositive motions.

IT IS HEREBY STIPULATED:

	CURRENT DATE	NEW DATE
Close of Discovery:	7/2/10	10/1/10

1	Last day for Plaintiff's Expert Disclosure	4/26/10	8/13/10
2	Last Day for Defendant's Expert Disclosure	5/26/10	9/10/10
3	Last Day to File Dispositive Motions	8/4/10	11/3/10
4	Last Day to Hear Dispositive Motions	10/1/10	12/8/10 at 9:30 a.m.
5	Pre-trial Conference	10/15/2010	1/28/11 at 3:00 p.m.
6	Last Day to File Join Pre-Trial Statement	10/8/10	3/21/11
7	Trial Date	12/6/10	3/14/11 at 9:00am

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9 **GOOD CAUSE FOR THIS REQUESTED ORDER EXISTS FOR THE**
10 **FOLLOWING REASONS:**

11 1. Plaintiff's spent a considerable amount of time considering and examining
12 Defendant United States of America, General Services Administration and Chris Coley's Motion
13 to Dismiss that was subsequently granted on March 15, 2010. During this time the parties did
14 not engage in any discovery. As of today Plaintiff has propounded an initial set of written
15 discovery on Defendant Fed Ex, including Special Interrogatories, Requests for Production of
16 Documents, and Requests for Admissions. Plaintiff anticipates filing a motion for leave to amend
17 its pleading to name Kelly Services as a Defendant. Kelly Services held a subcontract with
18 Defendant FedEx at their GSA Worksite. Once a named Defendant, Plaintiff anticipates the need
19 for further and more extensive written discovery as well as depositions of numerous persons
20 including: Christine Coley (GSA); Angela Acmoody (FedEx Ground Senior Manager); Ryan
21 Johnson (Kelly Services Supervisor); James Gorman (GSA Facility Manager) Kevin Carter
22 (Sharpe Depot Security Guard) as well as those persons most knowledgeable as to the
23 subcontract between Kelly Services and Fed Ex. The Parties have continued to successfully
24 work cooperatively through all discovery matters and have at no time resorted to this Court for
25 resolution of the same.

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1 2. The parties believe that with the requested modification to the case management,
2 percipient and expert discovery as well as the trial dates can be completed without causing undue
3 burden to the witnesses. Without the requested modifications, on the other hand, the parties
4 believe there will be significant burden imposed upon the parties, witnesses and their counsel in
5 an effort to comply with the current case management dates.

6 3. Both Parties have agreed to mediation. However, the requested modifications will
7 allow the parties access to further discovery that will only assist in any future mediation efforts.

8 4. No party shall be prejudiced by this Order where the parties have stipulated to the new
9 dates.

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11 **IT IS SO STIPULATED:**

12 LAW OFFICES OF NEVIN & ABSALOM

14 Dated: June 3, 2010

15 /S/ Kenneth C. Absalom
Kenneth C. Absalom
Attorneys for Plaintiff

17 FEDEX GROUND PACKAGE SYSTEM, INC.

18 Dated: June 2, 2010

19 /S/ Benjamin J. Ferron
Benjamin J. Ferron
Attorneys for Defendant

1 **PURSUANT TO STIPULATION AND GOOD CAUSE OTHERWISE**
2 **APPEARING, THE COURT SETS THE FOLLOWING PRE-TRIAL SCHEDULING**
3 **DATES IN THIS MATTER:**

4 Close of Discovery: 10/1/10
5 Last day for Plaintiff's Expert Disclosure 8/13/10
6 Last Day for Defendant's Expert Disclosure 9/10/10
7 Last Day to File Dispositive Motions 11/3/10
8 Last Day to Hear Dispositive Motions 12/8/10 at 9:30 a.m.
9 Pre-trial Conference 1/28/11 at 3:00 p.m.
10 Last Day to File Join Pre-Trial Statement 3/21/11
11 Trial Date 3/14/11 at 9:00am
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14 **IT IS SO ORDERED:**

15 Dated: June 3, 2010

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17 /s/ John A. Mendez

18 HON. JOHN A. MENDEZ
19 United States District Court For the
20 Eastern District of California
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