

1 **CHRISTOPHER E. GRELL, ESQ. (SBN 88498)**
 2 **RICHARD F. RESCHO, ESQ. (SBN 108086)**
 3 **LAW OFFICES OF CHRISTOPHER E. GRELL**
 4 **The Leamington**
 5 **1814 Franklin Street, Suite 501**
 6 **Oakland, California 94612**
 7 **Telephone: (510) 832-2980**
 8 **Facsimile: (510) 832-2986**

9 **Attorneys for Plaintiff**
 10 **ETHAN BLANKENSHIP**

11 **ROBERT E. DAVIES, ESQ. / SBN 106810**
 12 **MARY A. STEWART / SBN 106758**
 13 **REBECCA WEINSTEIN-HAMILTON, ESQ. / SBN 162699**
 14 **CAULFIELD, DAVIES & DONAHUE, LLP**
 15 **P.O. BOX 277010**
 16 **Sacramento, CA 95827**
 17 **Telephone: (916) 817-2900**
 18 **Facsimile: (916) 817-2644**

19 **Attorneys for Defendant**
 20 **ALASKA AIRLINES, INC.**

21 **UNITED STATES DISTRICT COURT**
 22 **EASTERN DISTRICT OF CALIFORNIA**

23 **-o0o-**

24 **ETHAN BLANKENSHIP,**
 25 **Plaintiff,**
 26 **v.**
 27 **ALASKA AIRLINES, INC., and Alaska**
 28 **Corporation, and DOES 1 through 100,**
 29 **inclusive,**
 30 **Defendants.**

Case No. 2:09-CV-01377-JAM-GGH

The Hon. John A. Mendez

STIPULATION TO EXTEND DATES FOR
EXPERT WITNESS DISCLOSURES AND
REPORTS; AND TO EXTEND
DISCOVERY COMPLETION DATE;
ORDER

31 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiff, ETHAN
 32 **BLANKENSHIP** and Defendant **ALASKA AIRLINES, INC.**, through their respective counsel
 33 to extend the date for Exchange of Initial Expert Witness Disclosure and Reports, currently

1 set for March 19, 2010, to April 30, 2010 and the date for Rebuttal Expert Disclosure
2 currently set for April 16, 2010, to May 28, 2010.

3 **IT IS FURTHER STIPULATED AND AGREED** by and between Plaintiff, ETHAN
4 BLANKENSHIP and Defendant ALASKA AIRLINES, INC., through their respective counsel
5 to extend the date for completion of discovery currently set for May 28, 2010, to and
6 including June 28, 2010.

7 This stipulation is made by counsel for the parties, pursuant to the Honorable Judge
8 John A. Mendez's Pre-Trial Scheduling Order of July 14, 2009, Judge Mendez's Order
9 Extending Dates for Expert Witness Disclosure of January 7, 2010, and U.S.D.C. Eastern
10 District Local Rules, Rule 144 (formerly L.R. 6-144). There has been one prior Stipulation
11 and Order Extending the Dates for Expert Witness Disclosure and Reports in this case.

12 There is good cause for the requested extension of the current dates for expert
13 witness disclosures and extension of the discovery completion date. The requested
14 extension of the expert witness disclosures necessitates the requested extension of the
15 discovery completion date. Despite the parties' diligence in the completion and scheduling
16 of considerable discovery in this matter, including an Independent Physical Examination of
17 Plaintiff Ethan Blankenship, the requested extensions are necessary.

18 Plaintiff's action is for damages resulting from a fall in the security area of the
19 Sacramento International Airport. The parties, through their respective counsel, had
20 stipulated to an Independent Physical Examination of Plaintiff Ethan Blankenship by
21 Michael R. Klein, Jr., M.D., on March 1, 2010 at 3:00 p.m., at Dr. Klein's office located at
22 MKR Medical Consultants, Inc., 6555 Coyle Avenue, Suite 235, Carmichael, California.
23 (Attached Exhibit "A.") However, Richard Rescho, counsel for Plaintiff Ethan Blankenship,
24 just learned on February 19, 2010 that Mr. Blankenship had been hospitalized with
25 pneumonia and was only released on February 18, 2010. Due to his current illness, Mr.
26 Blankenship, who resides in Mountain Ranch, California, is unable to travel to Dr. Klein's
27 office for the examination on March 1, 2010.

28

1 Dr. Klein will be on vacation from March 11, 2010 through March 31, 2010.
2 Consequently, Dr. Klein is not available to conduct an independent physical examination of
3 Mr. Blankenship prior to the current March 19, 2010 expert witness disclosure date. The
4 parties are currently in the process of scheduling a new appointment date in early April,
5 2010.

6 Plaintiff and Defendant have each served initial written discovery, including
7 interrogatories, requests for production and requests for admissions. Plaintiff's medical
8 treatment records have been subpoenaed. Additionally, depositions have been taken of the
9 Plaintiff, Plaintiff's treating orthopedic surgeon and of witnesses who were in Plaintiff's
10 traveling party. The deposition of Plaintiff's current treating physician is scheduled to be
11 taken on Friday, February 26, 2010. Plaintiff's counsel intends to proceed with depositions
12 of certain of Defendant Alaska Airlines, Inc.'s personnel. The depositions of the TSA
13 witnesses identified by Plaintiff in discovery responses are in the process of being
14 scheduled through the U.S. Department of Homeland Security, Transportation Security
15 Administration.

16 Although counsel have not been dilatory in conducting discovery, additional time is
17 needed to reschedule and complete the Independent Physical Examination of Plaintiff
18 Ethan Blankenship. This additional discovery is needed in order for the parties to assemble
19 the evidence necessary for prospective experts to formulate their opinions.

20 In addition to the completion of the Independent Physical Examination of Plaintiff,
21 remaining necessary discovery includes, but is not necessarily limited to, depositions of
22 certain Alaska Airlines, Inc. personnel, airport security personnel, certain of Plaintiff's
23 treating physicians, and inspection of the area where the fall occurred, as well as further
24 interrogatories and requests for production.

25 The parties agree that each party should be allowed adequate time to conduct
26 necessary discovery into the matters at issue in this action, prior to expending the time and
27 cost which would be required to meet the current expert witness disclosure requirements.
28 The stipulated extension would allow the necessary time.

1 Both parties, through their respective counsel, have agreed that it would serve the
2 interests of justice and judicial economy to extend the current expert disclosure dates to
3 April 30, 2010 and May 28, 2010 and to extend the current discovery completion date to
4 June 28, 2010, as set forth above.

5 The requested extension of the current dates for expert witness disclosure and
6 discovery completion would not affect the other dates set forth in the July 14, 2009 Pre-
7 Trial Scheduling Order.

8 **WHEREFORE**, the parties respectfully move this Honorable Court to extend the
9 dates for expert witness disclosure and discovery completion as requested herein.

10 **IT IS SO STIPULATED.**

11 Dated: February ____, 2010

LAW OFFICES OF CHRISTOPHER E. GRELL

12
13
14 By: _____
15 Christopher E. Grell (SBN 88498)
16 Richard F. Rescho (SBN 108086)
17 **Attorneys for Plaintiff,**
ETHAN BLANKENSHIP

18 Dated: February ____, 2010

CAULFIELD DAVIES & DONAHUE, LLP

19
20 By: _____
21 Robert E. Davies (SBN 106810)
22 Mary A. Stewart (SBN 106758)
23 Rebecca Weinstein-Hamilton (SBN 162699)
Attorneys for Defendant,
ALASKA AIRLINES, INC.

24 **ORDER EXTENDING DATES FOR EXPERT WITNESS DISCLOSURE**
25 **AND DISCOVERY COMPLETION**

26 **IT IS HEREBY ORDERED**, good cause appearing therefore, that the date for
27 exchange of Initial Expert Witness Disclosure and Reports, currently set for March 19,
28

1 2010, is extended through April 30, 2010; the date for exchange of Rebuttal Expert Witness
2 Disclosure, currently set for April 16, 2010 is extended through May 28, 2010; and the date
3 for Completion of Discovery, currently set for May 28, 2010 is extended through June 28,
4 2010.

5 **IT IS SO ORDERED.**

6
7 Dated: February 26, 2010

8 /s/ John A. Mendez
9 THE HONORABLE JOHN A. MENDEZ
10 United States District Court Judge,
11 Eastern District of California
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 ROBERT E. DAVIES, ESQ. / SBN 106810
2 MARY A. STEWART / SBN 106758
3 REBECCA WEINSTEIN-HAMILTON, ESQ. / SBN 162699
4 CAULFIELD, DAVIES & DONAHUE, LLP
5 P.O. BOX 277010
6 Sacramento, CA 95827
7 Telephone: (916) 817-2900
8 Facsimile: (916) 817-2644

9 Attorneys for Defendant
10 ALASKA AIRLINES, INC.

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 -o0o-

14 ETHAN BLANKENSHIP,

15 Plaintiff,

16 v.

17 ALASKA AIRLINES, INC., and Alaska
18 Corporation, and DOES 1 through 100,
19 inclusive,

20 Defendants.

Case No.

CERTIFICATE OF SERVICE OF
STIPULATION TO EXTEND DATES FOR
EXPERT WITNESS DISCLOSURES AND
REPORTS; AND TO EXTEND
DISCOVERY COMPLETION DATE;
ORDER

21 I HEREBY CERTIFY that I electronically filed with the Clerk of Court the foregoing
22 document entitled: **STIPULATION TO EXTEND DATES FOR EXPERT WITNESS**
23 **DISCLOSURES AND REPORTS; AND TO EXTEND DISCOVERY COMPLETION DATE;**
24 **ORDER** using the CM/ECF system which will automatically send email notification of such
25 filing to the following attorneys of record:

26 //

27 //

1 CHRISTOPHER E. GRELL (SBN 88498)
2 RICHARD F. RESCHO (SBN 108086)
3 LAW OFFICES OF CHRISTOPHER E. GRELL
4 The Learnington
5 1814 Franklin St, Ste 501
6 Oakland, CA 94612

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Tel: (510) 832-2980
Fax: (510) 832-2986

Counsel for Plaintiff ETHAN BLANKENSHIP

This _____ day of February, 2010.

CAULFIELD DAVIES & DONAHUE, LLP

By: _____
Robert E. Davies, Esq.
Mary A. Stewart, Esq.
Rebecca Weinstein-Hamilton, Esq.
Attorneys for Defendant
ALASKA AIRLINES, INC.