

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, ESQ. / 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,**
inclusive,
Defendants.

Case No. 2:09-CV-01377-JAM-GGH
The Hon. John A. Mendez

STIPULATION TO EXTEND DISCOVERY
COMPLETION, DISPOSITIVE MOTION,
JOINT PRETRIAL STATEMENT,
PRETRIAL CONFERENCE AND JURY
TRIAL DATES; ORDER

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, ETHAN BLANKENSHIP and Defendant ALASKA AIRLINES, INC., through their respective counsel to extend the date for completion of discovery currently set for June 28, 2010, to and including August 20, 2010.

1 **IT IS FURTHER HEREBY STIPULATED AND AGREED** by and between Plaintiff
2 ETHAN BLANKENSHIP and Defendant ALASKA AIRLINES, INC., through their respective
3 counsel to extend the following dates as set forth below:

4 1. To extend the Dispositive Motions Filing date from July 21, 2010 to
5 September 22, 2010;

6 2. To extend the Dispositive Motions Hearing date from August 18, 2010 to
7 October 20, 2010 at 9:30 a.m.;

8 3. To extend the filing date for the Joint Pre-Trial Statement to November 24,
9 2010;

10 4. To extend the Final Pre-Trial Conference date from October 1, 2010 to
11 December 3, 2010; and

12 5. To extend the Jury Trial date from November 15, 2010 to February 7, 2011 at
13 9:00 a.m.

14 This stipulation is made by counsel for the parties, pursuant to the Honorable Judge
15 John A. Mendez's Pre-Trial Scheduling Order of July 14, 2009, Judge Mendez's February
16 26, 2010 Order Extending Dates for Expert Witness Disclosure and Discovery Completion
17 Date, and U.S.D.C. Eastern District Local Rules, Rule 144 (formerly L.R. 6-144). There
18 has been one prior Stipulation and Order Extending the Discovery Completion Date in this
19 case.

20 There is good cause for the requested extension of the current discovery
21 completion, dispositive motions, joint pre-trial statement, pre-trial conference and jury trial
22 dates. Plaintiff's action is for damages resulting from a fall in the security area of the
23 Sacramento International Airport. The requested extension of the discovery completion
24 date necessitates the requested extension of the remaining dates set in the July 14, 2009
25 Pre-Trial Scheduling Order. Despite the parties' diligence in the completion and scheduling
26 of considerable discovery in this matter, including an Independent Physical Examination of
27 Plaintiff Ethan Blankenship, the requested extensions are necessary.

28 ///

1 The parties, through their respective counsel, have initiated settlement negotiations.
2 Expert Witness Disclosures have been filed with this Court and exchanged between the
3 parties. However, due to the initiation of settlement negotiations, the parties would like
4 additional time to pursue these discussions, prior to incurring further costs and expenses in
5 completing expert witness depositions.

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
9 the Plaintiff, Plaintiff's treating orthopedic surgeon, Plaintiff's treating physician, Plaintiff's
10 consulting orthopedic surgeon and of witnesses who were in Plaintiff's traveling party. An
11 Independent Medical Examination of the Plaintiff was completed on April 19, 2010. The
12 depositions of the Transportation Security Administration employee witnesses identified by
13 Plaintiff in discovery responses were taken on May 19, 2010. Plaintiff's counsel intends to
14 proceed with depositions of certain of Defendant Alaska Airlines, Inc.'s personnel.

15 Additionally, due to the location of the Plaintiff's fall in the Transportation Security
16 Administration (hereinafter "TSA") security area of the Sacramento International Airport,
17 discovery has revealed that several additional TSA employees potentially witnessed the
18 events relevant to Plaintiff's claims made in this action, requiring additional TSA employee
19 depositions.

20 The scheduling of TSA employee depositions requires a request and approval
21 process through the submission of a written discovery plan to the U.S. Department of
22 Homeland Security, Office of the Chief Counsel pursuant to *United States ex rel. Touhy v.*
23 *Ragen*, 340 U.S. 462 (1951) and DHS regulations, 6 C.F.R., Part 5.41, et seq. While
24 certain TSA employees were deposed on May 19, 2010, additional TSA employee
25 witnesses were identified at that time as having knowledge of facts relevant to this case.
26 Additional time is required to complete the necessary request to the TSA and approval of
27 this additional discovery.

28 ///

1 Remaining necessary discovery includes, but is not necessarily limited to,
2 depositions of the expert witnesses, depositions of certain Alaska Airlines, Inc. personnel,
3 airport security personnel, certain of Plaintiff's treating physicians, an inspection of the area
4 where the fall occurred, as well as further interrogatories and requests for production.

5 Both parties, through their respective counsel, have agreed that it would serve the
6 interests of justice and judicial economy to extend the current discovery completion date to
7 August 20, 2010, and to extend the dispositive motions, joint pre-trial statement, pre-trial
8 conference and jury trial dates, as set forth above.

9 There have been no prior requests for the continuance of the dispositive motions,
10 joint pre-trial statement, pre-trial conference and jury trial dates.

11 **WHEREFORE**, the parties respectfully move this Honorable Court to extend the
12 dates for discovery completion, dispositive motions, joint pre-trial statement, pre-trial
13 conference and jury trial as requested herein.

14 **IT IS SO STIPULATED.**

15 Dated: June 2, 2010

LAW OFFICES OF CHRISTOPHER E. GRELL

16
17
18 By: /s/

Christopher E. Grell (SBN 88498)

Richard F. Rescho (SBN 108086)

**Attorneys for Plaintiff,
ETHAN BLANKENSHIP**

19
20
21
22 Dated: June 2, 2010

CAULFIELD DAVIES & DONAHUE, LLP

23
24 By: /s/

Robert E. Davies (SBN 106810)

Mary A. Stewart (SBN 106758)

Rebecca Weinstein-Hamilton (SBN 162699)

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

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

IT IS HEREBY ORDERED, good cause appearing therefore, that the date for Completion of Discovery, currently set for June 28, 2010 is extended through August 20, 2010.

IT IS FURTHER ORDERED that the following dates are extended as follows:

1. The Dispositive Motions Filing date is extended from July 21, 2010 to September 22, 2010;
2. The Dispositive Motions Hearing date is extended from August 18, 2010 to October 20, 2010 at 9:30 a.m.;
3. The filing date for the Joint Pre-Trial Statement is extended to November 24, 2010;
4. The Final Pre-Trial Conference date is extended from October 1, 2010 to December 3, 2010; and
5. The Jury Trial date is extended from November 15, 2010 to February 7, 2011 at 9:00 a.m.

IT IS SO ORDERED.

Dated: June 3, 2010

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
United States District Court Judge,
Eastern District of California

1 ROBERT E. DAVIES, ESQ. / SBN 106810
2 MARY A. STEWART, ESQ. / 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 DISCOVERY
COMPLETION, DISPOSITIVE MOTION,
JOINT PRETRIAL STATEMENT,
PRETRIAL CONFERENCE AND JURY
TRIAL DATES; ORDER**

21 I HEREBY CERTIFY that I electronically filed with the Clerk of Court the foregoing
22 document entitled: **STIPULATION TO EXTEND DISCOVERY COMPLETION,
23 DISPOSITIVE MOTION, JOINT PRETRIAL STATEMENT, PRETRIAL CONFERENCE
24 AND JURY TRIAL DATES; ORDER** using the CM/ECF system which will automatically
25 send email notification of such filing to the following attorneys of record:

26 //

27 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Tel: (510) 832-2980
Fax: (510) 832-2986

Counsel for Plaintiff ETHAN BLANKENSHIP

This _____ day of June, 2010.

CAULFIELD DAVIES & DONAHUE, LLP

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