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 20 **ALASKA AIRLINES, INC.**

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

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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 DATE; 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 August 20, 2010, to and including September 20, 2010.

1 This stipulation is made by counsel for the parties, pursuant to the Honorable Judge
2 John A. Mendez's Pre-Trial Scheduling Order of July 14, 2009, Judge Mendez's February
3 26, 2010 Order Extending Dates for Expert Witness Disclosure and Discovery Completion
4 Date, Judge Mendez's June 3, 2010 Order Extending Dates for Discovery Completion,
5 Dispositive Motions, Joint Pre-Trial Statement, Pre-Trial Conference and Jury Trial and
6 U.S.D.C. Eastern District Local Rules, Rule 144 (formerly L.R. 6-144). There have been
7 two prior Stipulations and Orders Extending the Discovery Completion Date in this case.

8 There is good cause for the requested extension of the current discovery completion
9 date. The parties, through their respective counsel, are in the process of conducting
10 settlement negotiations and would like additional time to pursue these discussions, prior to
11 incurring further costs and expenses in completing expert witness depositions. Both parties
12 have agreed to mediate this case. However, the parties have not been able to schedule
13 the Mediation date prior to the currently scheduled expert witness depositions and the
14 discovery completion date of August 20, 2010. The parties are requesting an additional
15 thirty day continuance of the Discovery Completion Date for the completion of Mediation
16 and potential settlement of this case.

17 Due to Plaintiff, Ethan Blankenship's age of 91 years, the parties would like an
18 opportunity to attempt to resolve this case through Mediation, in order to avoid the
19 necessity of trial. Plaintiff's action is for personal injury damages resulting from a fall in the
20 security area of the Sacramento International Airport.

21 The requested extension of the discovery completion date would not require an
22 extension of the remaining dates set forth in Judge Mendez's June 3, 2010 Order
23 Extending Dates for Discovery Completion, Dispositive Motions, Joint Pre-Trial Statement,
24 Pre-Trial Conference and Jury Trial. Despite the parties' diligence in the completion and
25 scheduling of considerable discovery in this matter, the requested extension is necessary.

26 Plaintiff and Defendant have each served initial written discovery, including
27 interrogatories, requests for production and requests for admissions. Plaintiff's medical
28 treatment records have been subpoenaed. Additionally, depositions have been taken of

1 the Plaintiff, Plaintiff's treating orthopedic surgeon, Plaintiff's treating physician, Plaintiff's
2 consulting orthopedic surgeon and of witnesses who were in Plaintiff's traveling party. An
3 Independent Medical Examination of the Plaintiff was completed on April 19, 2010. The
4 depositions of the Transportation Security Administration employee witnesses identified by
5 Plaintiff in discovery responses were taken on May 19, 2010. Plaintiff's counsel is
6 proceeding with depositions of certain of Defendant Alaska Airlines, Inc.'s personnel in
7 early August.

8 Expert Witness Disclosures have been filed with this Court and exchanged between
9 the parties. The depositions of the disclosed expert witnesses have been scheduled by the
10 parties to be completed during the weeks of August 9 and August 16, 2010, prior to the
11 current Discovery Completion Date of August 20, 2010. These include the depositions of
12 Plaintiff's three retained experts and of Defendant's retained medical expert. If the parties
13 are required to proceed with these expert depositions prior to Mediation, each side will
14 incur additional attorney's fees, travel costs, expert witness deposition fees, and court
15 reporter fees, which potentially could be avoided through Mediation.

16 Both parties, through their respective counsel, have agreed that it would serve the
17 interests of justice and judicial economy to extend the current Discovery Completion Date
18 to September 20, 2010, as set forth above. The parties require the additional thirty day
19 period to continue their settlement negotiations and complete Mediation prior to incurring
20 the additional expert witness deposition expenses.

21 **WHEREFORE**, the parties respectfully move this Honorable Court to extend the
22 date for discovery completion as requested herein.

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IT IS SO STIPULATED.

Dated: July ____, 2010

LAW OFFICES OF CHRISTOPHER E. GRELL

By: _____
Christopher E. Grell (SBN 88498)
Richard F. Rescho (SBN 108086)
**Attorneys for Plaintiff,
ETHAN BLANKENSHIP**

Dated: July ____, 2010

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By: _____
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ALASKA AIRLINES, INC.**

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ORDER EXTENDING DATE FOR DISCOVERY COMPLETION

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

IT IS SO ORDERED.

Dated: July 20, 2010

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