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Attorneys for Defendant  
WENDY'S INTERNATIONAL, INC.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO

WILLIAM BROCKLEY, TINA  
BROCKLEY.

Plaintiff(s),

vs.

## WENDY'S INTERNATIONAL, INC.

Defendant(s).

Case No.: 2:09-CV-01437-GEB-EFB

**PROPOSED JOINT STIPULATION  
SEEKING AMENDMENT OF  
EXPERT DEADLINES; AND ORDER  
THEREON**

On Account of Plaintiff, William Brockley's recent and ongoing medical condition and his resulting lack of availability to participate in this case for a period exceeding the prior estimate, the parties jointly hereby request the necessary and unavoidable continuation of all expert deadlines previously ordered by the Court by (120) days. A Further Amended Joint Status Conference Report including the proposed amended dates has been attached hereto as Exhibit "A".

The previously agreed upon time line presently controlling was premised on plaintiff's stationary medical status and his ability to participate and make himself available in a timely manner. The granting of this Stipulation will allow for Plaintiff's necessary participation in this case far enough in advance of the requested continued deadlines thereby allowing for the timely completion of required discovery, including plaintiff's and other depositions and his medical examination(s), prior to required expert disclosures.

1           Absent the requested continuance of all expert related deadlines, the parties will be  
2 greatly prejudiced and not have the opportunity to complete reasonable and necessary  
3 discovery required for expert disclosure.

4           Based on the above, the parties jointly and respectively request the Court's approval  
5 of this **PROPOSED JOINT STIPULATION SEEKING AMENDMENT OF EXPERT**  
6 **DEADLINES** and the granting of the continuance of expert related deadlines by (120)  
7 days. In the alternative, the parties request the scheduling of an appropriate and first  
8 available hearing to address their concerns and the request made by way of this filing.

9  
10 Dated: June \_\_\_, 2010

WEINBERGER LAW FIRM

11  
12 By: \_\_\_\_\_  
13           Joseph B. Weinberger  
14           Attorneys for Plaintiffs WILLIAM BROCKLEY  
15           & TINA BROCKLEY

16 Dated: June \_\_\_, 2010

LEWIS BRISBOIS BISGAARD & SMITH LLP

17  
18 By \_\_\_\_\_  
19           Bruce L. Shaffer  
20           Charles E. Coleman  
21           Attorneys for Defendant  
22           WENDY'S INTERNATIONAL, INC.

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**[PROPOSED] ORDER**

2 Accordingly, the Court considered the basis for the *Proposed Joint Stipulation* and  
3 orders: The date for expert disclosures is continued to December 10, 2010, and the date for rebuttal  
4 expert disclosures is continued to January 20, 2011.

5 Dated: July 15, 2010

GARLAND E. BURKELL, JR.  
United States District Judge