

1 **THE COSTA LAW FIRM**  
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5 Attorneys for Defendant  
 6 PANELTECH INTERNATIONAL, LLC

7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 10

11 EDDIE HORNER,	)	USDC Case No.: 2:09-cv-01564 KJM-CMK
	)	
12 Plaintiff,	)	
	)	
13 vs.	)	<b>REQUEST AND STIPULATION TO</b>
	)	<b>CONTINUE PRE-TRIAL CONFERENCE</b>
14 PANELTECH INTERNATIONAL, LLC;	)	<b>AND TRIAL DATES; ORDER</b>
15 and DOES 1 through 50, inclusive,	)	
	)	Pre-Trial Conference: December 7, 2011
	)	Trial Date: January 24, 2012
16 Defendants.	)	Trial Time: 9:00 a.m.
	)	Dept: 3
17 _____	)	Judge: Hon. Kimberly J. Mueller

18 The Parties hereto request and stipulate that this Court continue the pre-trial conference and  
 19 trial dates from their presently-ordered dates to dates in the future to be determined by a conference  
 20 between the Court and all counsel.

21 The parties submit that there is good cause for this request because of the following  
 22 circumstances:

- 23 1. On October 25, 2011, the Court executed and issued its order on the parties Request  
 24 and Stipulation that stayed any further expert discovery until the later of November 9, 2011 or such  
 25 time as the court rules on Defendant Paneltech's Motion to Contest good Faith of CORP settlement.
- 26 2. As of this date, the Curt has not issued its ruling on the above-referred to motion.

1 Consequently, no further expert discovery has been conducted pursuant to the Court's order.

2 3. Given the proximity of the Christmas and New Year seasons, the parties expect that  
3 it will be impossible to complete their intended expert discovery before the arrival of January 2012  
4 because of anticipated experts' and counsel holiday and vacation schedules.

5 4. Without the completion of expert discovery, the parties submit that they cannot  
6 meaningfully participate in the pre-trial conference presently set for December 7, 2011, or be properly  
7 prepared for the trial presently set for January 24, 2012.

8 5. In an effort to alleviate the problems arising from these circumstances, the parties  
9 submit the following request and stipulation.

10 **REQUEST AND STIPULATION**

11 That the pre-trial conference and trial dates be continued from their presently-ordered dates  
12 to dates in the future to be determined by a conference between the Court and all counsel.

13 **IT IS SO STIPULATED:**

14 Dated: November 23, 2011

**THE COSTA LAW FIRM**

15 By: /s/ David D. MacMillan  
16 DAVE MACMILLAN  
17 DANIEL P. COSTA  
Attorneys for Defendant  
Paneltech International, LLC

18 Dated: November 23, 2011

**REINER, SIMPSON & SLAUGHTER, LLP**

19 By: /s/ Todd E. Slaughter  
20 TODD E. SLAUGHTER  
21 Attorney for Plaintiff

22 Dated: November 24, 2011

**LOMBARDI, LOPER & CONANT**

23 By: /s/ Clyde Hutchinson  
24 B. CLYDE HUTCHINSON  
25 VINCENT CASTILLO  
Attorneys for Defendant  
26 Central Oregon & Pacific Railroad

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IT IS SO ORDERED.

Dated: November 29, 2011.



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UNITED STATES DISTRICT JUDGE