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 17 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA

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1 JAMES T. CARDEN, JR.,
2 ROBERT L. FOX,
3 LEON W. HEDRICK,
4 ROBERT B. KLEE,
5 GEORGE M. LEMBO,
6 LOREN E. LOVELAND,
7 TERRY D. MYERS,
8 CHARLES R. SAMUELSON,
9 MICHAEL B. SCHAEFER,
10 ARTHUR J. SCHUBERT,
11 THURLOW E. WILLIAMS,
12 MICHELLE W. WOODS,
13 RAYMOND E. YOUNG,
14 WILLIAM H. ZIEGLER,

Plaintiffs,

9 vs.

10 CHENEGA SECURITY &
11 PROTECTION SERVICES, LLC,

12 Defendant

CASE No. 2:09-cv-01799-WBS-
CMK

**STIPULATION AND JOINT
APPLICATION TO EXTEND
DISCOVERY, MOTION AND PRE-
TRIAL CONFERENCE DATES;
ORDER THEREON**

Complaint Filed: June 29, 2009
Trial Date: April 5, 2011

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15 Pursuant to Federal Rule of Civil Procedure 16(b)(4), and for good cause
16 shown, the parties to this action, through their respective counsel of record, hereby
17 stipulate and jointly request that the Court vacate the present discovery cut-off date
18 of December 1, 2010 and related discovery deadlines in paragraph IV of this
19 Court's Status (Pretrial Scheduling Order) dated October 29, 2009 and the motion
20 and hearing dates set forth in Paragraphs V and VI, and in the Parties' Stipulation
21 and Joint Application to Extend Discovery Cutoff and Order Thereon dated
22 February 25, 2010; the Stipulation and Joint Application to Extend Discovery Cut-
23 Off and Order Thereon filed June 24, 2010; and the Stipulation and Joint
24 Application to Extend Discovery Cut-Off and Order Thereon filed August 20,
25 2010 (the "Orders"), and that the Court further continue such dates as set forth
26 below, including the date for filing of motions and the date for the final pre-trial
27 conference. **The requested continuances will have no impact on the trial date**
28 **of April 5, 2011 in paragraph VII of the Pretrial Scheduling Order.**

1 **THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

2 Counsel for the Parties have diligently engaged in discovery and settlement
3 discussions. They have engaged in two all-day attempts to mediate or settle the
4 issues in this action involving 14 plaintiffs without success. One of these was
5 before Retired Judge Raul Ramirez in July 2010 in Sacramento, California. All 14
6 plaintiffs attended from their homes in the Redding, California area. Executives of
7 plaintiff from Virginia and Alaska, as well as a representative of plaintiff's insurer
8 from Los Angeles, personally appeared in Sacramento at this mediation. On
9 September 10, 2010, the remaining 10 plaintiffs (four having settled), plaintiff's
10 Sacramento counsel, and two of plaintiff's Sacramento counsel met with
11 Magistrate Judge Craig Kellison in Redding for nearly the whole work day in a
12 stipulated settlement conference. Each of the parties provided lengthy briefs to
13 both the mediator and Magistrate Judge Kellison.

14 The parties have heretofore engaged in discovery in a cooperative manner,
15 with various disputes arising which have largely been resolved by agreement, but
16 have significantly delayed discovery. One discovery dispute could not be resolved
17 by agreement and was presented by motion to Magistrate Kellison for resolution.
18 The parties have recently agreed to settle the claims of four of the ten plaintiffs
19 (Woods, Myers, Fox and Loveland). All remaining plaintiffs have been deposed.
20 Several key plaintiff employee witnesses based in Virginia have yet to be deposed.
21 One key witness formerly employed by plaintiff now resides in the Gig Harbor
22 area of Washington State. Many documents have been withheld, and
23 interrogatories not answered, because of concerns on the part of plaintiff as to the
24 need to protect the privacy rights of third parties, and the need to protect the
25 privileges applicable to plaintiff and possibly national security issues. The parties
26 believe that because of the number of parties remaining (10), comparison of those
27 parties to the 33 successful job applicants, the nature and complexity of issues in
28 the case, the reasonable delays that have occurred in scheduling and completing

1 discovery, and the good faith continuing efforts to settle all 14 claims, additional
2 time is now necessary to prepare the case for trial and/or position the case for
3 further attempts at informal resolution or for summary judgment, good cause exists
4 for continuing the discovery deadlines, motions, and pre-trial conference dates set
5 forth in the Orders, as follows:

6 **DISCOVERY**

7 (1) The deadline of September 30, 2010 to disclose experts and
8 produce reports in accordance with Federal Rule of Civil
9 Procedure 26(a)(2) shall be vacated and extended to November
10 15, 2010;

11 (2) The deadline of October 22, 2010 to disclose rebuttal experts
12 and produce reports for expert testimony intended solely for
13 rebuttal in accordance with Federal Rule of Civil Procedure
14 26(a)(2) shall be vacated and continued to December 10, 2010.

15 (3) The date for completion of all discovery shall be extended from
16 December 1, 2010 to January 14, 2011. All motions to compel discovery shall be
17 noticed and heard at such times so that the motions may be heard (and any
18 resulting orders obeyed) not later than January 14, 2011.

19 **MOTION HEARING SCHEDULE**

20 (4) The deadline for filing motions, except motions for continuance,
21 temporary retraining orders, or other emergency applications, shall be extended
22 from December 1, 2010 to January 14, 2011.

23 **FINAL PRE-TRIAL CONFERENCE**

24 (5) The Final Pre-Trial Conference hearing date of February 7, 2011 shall be
25 continued to March 7, 2011 at 2:00 p.m. in Department 5.

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1 **IT IS SO STIPULATED.**

2 Date: September 20, 2010 MICHAEL COGAN, ATTORNEY AT LAW

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4 By: /s/ _____
5 Michael Cogan
6 Attorneys for Plaintiffs
7 James T. Carden, Jr., Robert L. Fox, Leon W.
8 Hedrick, Robert E. Klee, George M. Lembo,
9 Loren E. Loveland, Terry D. Myers, Charles R.
10 Samuelson, Michael B. Schaeffer, Arthur J.
11 Schubert, Thurlow E. Williams, Michelle S.
12 Woods, Raymond L. Young, William H. Ziegler

10 Date: September 17, 2010 NAGELEY, MEREDITH AND MILLER

11

12 By: /s/ _____
13 Andrea Miller
14 Attorneys for Plaintiffs
15 James T. Carden, Jr., Robert L. Fox, Leon W.
16 Hedrick, Robert E. Klee, George M. Lembo,
17 Loren E. Loveland, Terry D. Myers, Charles R.
18 Samuelson, Michael B. Schaeffer, Arthur J.
19 Schubert, Thurlow E. Williams, Michelle S.
20 Woods, Raymond L. Young, William H. Ziegler

17 Date: September 17, 2010 JACKSON LEWIS LLP

18

19 By: /s/Jerry S. Deschler, Jr. _____
20 Cary G. Palmer
21 Dale R. Kuykendall
22 Jerry J. Deschler, Jr.
23 Attorneys for Defendant
24 Chenega Security Protection Services, LLC

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1 **ORDER**

2 Having reviewed the parties' stipulation, and good cause appearing
3 therefore,

4 IT IS HEREBY ORDERED that the Pre-Trial Conference Order of October 30,
5 2009, as previously modified in February, June and August of 2010, shall be
6 further modified as follows:

- 7 (1) The deadline of September 30, 2010 to disclose experts and produce
8 reports in accordance with Federal Rule of Civil Procedure 26(a)(2)
9 shall be vacated and extended to November 15, 2010;
- 10 (2) The deadline of October 22, 2010 to disclose rebuttal experts
11 and produce reports for expert testimony intended solely for
12 rebuttal in accordance with Federal Rule of Civil Procedure
13 26(a)(2) shall be vacated and continued to December 10, 2010.
- 14 (3) The date for completion of all discovery shall be extended from
15 December 1, 2010 to January 14, 2011. All motions to compel
16 discovery shall be noticed and heard at such times so that the motions
17 may be heard (and any resulting orders obeyed) not later than January
18 14, 2011.
- 19 (4) The deadline for filing dispositive motions shall be extended from
20 December 1, 2010 to January 14, 2011.
- 21 (5) The final pre-trial conference date of February 7, 2011 shall be
22 continued to March 7, 2011 at 2:00 p.m. in Department 5.

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24 Dated: September 23, 2010

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26 WILLIAM B. SHUBB
27 UNITED STATES DISTRICT JUDGE
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