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16 Attorneys for Defendant

17 UNITED STATES DISTRICT COURT
 18 EASTERN DISTRICT OF CALIFORNIA

19 JAMES T. CARDEN, JR., ROBERT L. FOX,
 LEON W. HEDERICK, ROBERT B. KLEE,
 20 GEORGE M. LEMBO, LOREN E. LOVELAND,
 TERRY D. MYERS, CHARLES R.
 21 SAMUELSON, MICHAEL B. SCHAFFER,
 ARTHUR J. SCHUBERT, THURLOW E.
 22 WILLIAMS, MICHELLE W. WOODS,
 RAYMOND E. YOUNG, WILLIAM H.
 23 ZIEGLER,

24 Plaintiffs,

25 v.

26 CHENEGA SECURITY PROTECTION
 SERVICES, LLC,

27 Defendant.
28

Case No. 2:09-CV-01799-WBS-CMK

**STIPULATION AND JOINT
 APPLICATION TO EXTEND
 EXPERT WITNESS DISCOVERY AND
 MOTION DEADLINES; ORDER
 THEREON**

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

1 Pursuant to Federal Rule of Civil Procedure 16(b)(4), and for good cause shown, the
2 parties to this action, through their respective counsel of record, hereby stipulate and jointly
3 request that the Court vacate the present discovery cut-off date and deadline for filing motions of
4 January 14, 2010, and to continue such deadlines for approximately fourteen days. **The**
5 **requested continuances will have no impact on the existing final pre-trial conference and**
6 **trial dates.**

7 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

8 WHEREAS Counsel for the Parties have diligently engaged in discovery and settlement
9 discussions. To that end, Plaintiffs Robert Fox, Loren Loveland, Terry Myers, and Michelle
10 Woods settled as of October 26, 2010. The parties also have completed all non-expert discovery.
11 The parties have recently been engaged in settlement discussions regarding the remaining ten
12 Plaintiffs. On December 30, 2010, the parties reached an agreement in principle to settle with all
13 remaining Plaintiffs. Consequently, the parties agreed to defer expert witness discovery and
14 summary judgment.

15 Subsequently, Plaintiffs requested Defendant revise the portion of the settlement
16 agreement clarifying that, for tax purposes, each Plaintiff would receive an IRS form 1099
17 pertaining only to his share of the settlement proceeds. Defendant agreed to modify the
18 agreement. Defendant was informed for the first time on January 10, 2011 that Plaintiff George
19 Lembo decided not to settle. All remaining Plaintiffs, except Plaintiff George Lembo, executed
20 the revised settlement agreement on January 6, 7, and 10, 2011. Based on these new dates, the
21 required seven-day revocation period for Plaintiffs to revoke the settlement agreement will expire
22 on January 13, 14, and 17, 2011.

23 Because Plaintiff George Lembo decided not to settle and the new revocation period under
24 the new settlement agreements will not make settlement with the other remaining nine Plaintiffs
25 final until January 13, 14, and 17, 2011, the parties request a brief extension of time to complete
26 expert witness discovery and for Defendant to file a motion for summary judgment against
27 Lembo and any other Plaintiff who subsequently may revoke his settlement agreement after the
28

1 existing motion filing deadline. Consequently, good cause exists for continuing the following
2 deadlines:

- 3 (1) The deadline of January 14, 2011 to complete all non-expert discovery, including
4 depositions for preservation of testimony, shall be vacated and continued to
5 February 15, 2011; and
6 (2) The deadline of January 14, 2001 to file dispositive motions shall be extended
7 from January 14, 2011 to January 28, 2011.

8 This stipulation is entered into with the acknowledgement that Plaintiffs' counsel Michael
9 Cogan intends to file a motion asking the court to continue the existing trial date of April 5, 2011
10 (and all trial-related deadlines), due to the serious health condition of Plaintiffs' trial counsel,
11 Andrea Miller, and her unavailability for trial. Defendants do not intend to oppose the motion to
12 continue.

13 IT IS SO STIPULATED.

14 Dated: January 12, 2011

MICHAEL COGAN, ATTORNEY AT LAW

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16 By: /s/ Michael Cogan (authorized 01/12/11)
Michael Cogan

17 Attorneys for Plaintiffs
18 JAMES T. CARDEN, JR., ROBERT L.
19 FOX, LEON W. HEDERICK, ROBERT
20 B. KLEE, GEORGE M. LEMBO,
21 LOREN E. LOVELAND, TERRY D.
22 MYERS, CHARLES R. SAMUELSON,
23 MICHAEL B. SCHAFFER, ARTHUR J.
24 SCHUBERT, THURLOW E.
25 WILLIAMS, MICHELLE W. WOODS,
26 RAYMOND E. YOUNG, WILLIAM H.
27 ZIEGLER
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Dated: January 12, 2011

JACKSON LEWIS LLP

By: /s/ Dale R. Kuykendall

Cary G. Palmer
Dale R. Kuykendall
Jerry J. Deschler, Jr.

Attorneys for Defendant
CHENÉGA SECURITY PROTECTION
SERVICES, LLC

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

IT IS HEREBY ORDERED:

- (1) The deadline of January 14, 2011 to complete all non-expert discovery, including depositions for preservation of testimony, shall be vacated and continued to February 15, 2011; and
- (2) The deadline of January 14, 2001 to file dispositive motions shall be extended from January 14, 2011 to January 28, 2011. All motions shall be noticed for the next available hearing date.

Dated: January 12, 2011



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE