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 LINDA K. DESROSIERS
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14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA
 16 SACRAMENTO DIVISION
 17

18 LINDA K. DESROSIERS,
 19 Plaintiff,

20 v.

21 THE HARTFORD aka HARTFORD FIRE INS.
 CO., HARTFORD FINANCIAL SERVICES
 22 GROUP, INC., and DOES 1 through 20,
 inclusive,
 23

24 Defendants.

Case No. 2:09-cv-02057-MCE-GGH

**STIPULATION AND JOINT
 APPLICATION TO EXTEND
 DISCOVERY CUT-OFF AND MOTION
 HEARING DEADLINE;**

ORDER THEREON

Complaint Filed: January 26, 2009
 Trial Date: January 22, 2013

25 Pursuant to Federal Rule of Civil Procedure 16(b)(4), and for good cause shown, Plaintiff
 26 Linda K. Desrosiers (“Plaintiff”) and Defendants THE HARTFORD aka HARTFORD FIRE INS.
 27 CO. and HARTFORD FINANCIAL SERVICES GROUP, INC. (collectively hereinafter
 28 “Defendants”), through their respective counsel of record, hereby stipulate and jointly request that

1 the Court vacate the present discovery cut-off date of January 7, 2012, deadline to disclose expert
2 witnesses of February 7, 2012, deadline to disclosure rebuttal experts of March 7, 2012, and
3 deadline for hearing dispositive motions of April 10, 2012, and that the Court further continue
4 such dates by approximately 60-90 days to allow for mediation as set forth below. **The requested**
5 **continuances will have no impact on the final pre-trial conference and trial dates in the**
6 **Court's Order Continuing Trial, dated October 27, 2011 (which modified paragraphs VII**
7 **and VIII of the Pretrial Scheduling Order).**

8 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

9 WHEREAS this matter is set for trial January 22, 2013.

10 WHEREAS the parties initially agreed to defer discovery due to Plaintiff's counsel's
11 impacted trial schedule, and counsel for the Parties have since diligently engaged in discovery in a
12 cooperative manner. To date, the parties have exchanged written discovery and over 1,000 pages
13 of documentary evidence and have taken five depositions of key witnesses, including a full day of
14 Plaintiff's deposition. Due to the complex legal and factual nature of the case, counsel for the
15 parties have agreed that Defendant may depose Plaintiff for up to an additional 3.5 hours beyond
16 the 7 hour limit in Federal Rule of Civil Procedure 30(d). The parties have stipulated to participate
17 in private mediation, but must schedule the mediation around Plaintiff's counsel's trial schedule,
18 which included 4-week trial in late 2011.

19 WHEREAS the Court entered an order continuing the discovery and dispositive motions
20 on September 23, 2011 (doc. no. 11). Subsequently, on October 27, 2011, the Court *sua sponte*
21 issued an Order Continuing Trial vacating prior dates in paragraphs VII and VIII of the Pretrial
22 Scheduling Order and continuing the Final Pretrial Conference to November 29, 2012 and the trial
23 date to November 15, 2012.

24 WHEREAS the parties have secured a mutually-agreeable mediation date of January 31,
25 2012.

26 Consequently, the parties agree that, in the interest of increasingly the likelihood of
27 successful mediation, further discovery, including completing the depositions of Plaintiff and her

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1 treating physicians, should be deferred until after mediation. Consequently, good cause exists for
2 continuing the discovery deadlines set forth in the Orders as follows:

- 3 (1) The deadline of January 7, 2012 to complete all non-expert discovery shall be
4 vacated and continued to April 7, 2012.
- 5 (2) The deadline of February 7, 2012 to disclose experts and produce reports in
6 accordance with Federal Rule of Civil Procedure 26(a)(2) shall be vacated and
7 continued to May 7, 2012;
- 8 (3) The deadline of March 7, 2012 to disclose experts and produce reports for expert
9 testimony intended solely for rebuttal in accordance with Federal Rule of Civil
10 Procedure 26(a)(2) shall be vacated and continued June 7, 2012; and
- 11 (4) The deadline of April 10, 2012 to have dispositive motions heard shall be vacated
12 and continued to July 10, 2012.

13 IT IS SO STIPULATED.

14 Dated: December 28, 2011

JACKSON LEWIS LLP

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16 By: /s/ Jerry J. Deschler Jr.

17 ROBERT J. SCHNACK
18 JERRY J. DESCHLER, JR.

19 Attorneys for Defendants
20 THE HARTFORD aka HARTFORD FIRE INS. CO. and
21 HARTFORD FINANCIAL SERVICES GROUP, INC.

22
23 Dated: December 28, 2011

CHRISTOPHER H. WHELAN, INC.

24 By: /s/ Christopher H. Whelan

25 CHRISTOPHER H. WHELAN

26 Attorneys for Plaintiff
27 LINDA K. DESROSIERS
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Having reviewed the parties' stipulation, and good cause appearing therefore,

IT IS HEREBY ORDERED:

- (1) The deadline of January 7, 2012 to complete all non-expert discovery shall be vacated and continued to April 7, 2012.
- (2) The deadline of February 7, 2012 to disclose experts and produce reports in accordance with Federal Rule of Civil Procedure 26(a)(2) shall be vacated and continued to May 7, 2012;
- (3) The deadline of March 7, 2012 to disclose experts and produce reports for expert testimony intended solely for rebuttal in accordance with Federal Rule of Civil Procedure 26(a)(2) shall be vacated and continued June 7, 2012; and
- (4) The deadline of April 10, 2012 to have dispositive motions heard shall be vacated and continued to July 10, 2012.

Dated: January 10, 2012


MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE