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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 Defendants.  
 24

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

**STIPULATION AND JOINT  
 APPLICATION FOR LEAVE TO  
 COMPLETE LIMITED DISCOVERY  
 AFTER DISCOVERY CUT-OFF;**

**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 grant leave to complete limited discovery after the current discovery cutoff of May 25,  
2 2012, consisting of: (1) completing the deposition of third party witness, Cynthia Front, M.D.  
3 (one of Plaintiff's treating physicians); and (2) completing a site inspection of Defendants'  
4 premises. **This request will have no impact on the deadline to disclose expert witnesses, the**  
5 **deadline to hear dispositive motions, 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), or any other deadlines related to the present**  
8 **case.** Alternatively, the Parties jointly request that the Court vacate the present discovery cut-off  
9 date of May 25, 2012 and continue the cutoff by approximately 30 days to allow for completion of  
10 the above-referenced discovery and any necessary proceedings related thereto.

11 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

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

13 WHEREAS the parties initially agreed to defer discovery due to Plaintiff's counsel's  
14 impacted trial schedule, and counsel for the Parties have since diligently engaged in discovery in a  
15 cooperative manner and have completed all non-expert witness discovery other than Defendant's  
16 deposition of Cynthia Front, M.D. and Plaintiff's inspection of Defendants' premises.

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

22 WHEREAS with respect to the deposition of Cynthia Front, M.D., Dr. Front is one of  
23 Plaintiff's treating physicians relating to Plaintiff's emotional distress, and has treated Plaintiff for  
24 approximately 12 years. Defendants conferred with Plaintiff's counsel and Dr. Front for several  
25 months to obtain mutually-agreeable dates for her deposition. Defendants issued two separate  
26 subpoenas to Dr. Front at her two separate office locations, the second of which had a production  
27 date of April 2, 2012. Dr. Front asserted privilege, and Defendants thereafter filed a motion and  
28 obtained an Order from Northern District of California Judge William Alsup, dated May 8, 2012,

1 compelling Dr. Front's compliance with Defendants' records subpoena and deposition subpoena.  
2 Defendants initially planned to depose Dr. Front after the production date. Due to scheduling  
3 conflicts caused by Dr. Front's patient treatment schedule and travel plans, and Plaintiff's  
4 counsel's busy trial schedule, the deposition was rescheduled for the mutually-agreeable date of  
5 May 18, 2012. However, after the deposition was scheduled to take place on that date, a  
6 scheduling conflict arose in Plaintiff's counsel's schedule. Moreover, Dr. Front stated she needs  
7 additional time to compile and produce records in response to Defendants' subpoena and Judge  
8 Alsup's order. The parties are working together with one another and Dr. Front to schedule a  
9 mutually-agreeable deposition date within the next 30 days.

10 WHEREAS Plaintiff's counsel has requested to conduct a site inspection of Defendants'  
11 premises, and the parties are working together with one another to schedule a mutually-agreeable  
12 date within the next 30 days.

13 WHEREAS the Parties are not seeking to conduct any other non-expert discovery in the  
14 case past the discovery cutoff other than the deposition of Dr. Front and Plaintiff's inspection of  
15 Defendants' premises, and any proceedings related thereto.

16 Consequently, good cause exists for permitting the following limited discovery after the  
17 discovery cutoff as follows:

- 18 (1) The deadline for Defendants to complete discovery relating to completion of the  
19 deposition of Cynthia Front, M.D. and compliance with Defendant's subpoenas,  
20 shall be June 25, 2012; and
- 21 (2) The deadline for Plaintiff to complete discovery relating to the site inspection of  
22 Defendants' premises shall be June 25, 2012.

23 Alternatively, good cause exists for the Court to vacate the present discovery cut-off date  
24 of May 25, 2012 and continue the cutoff by approximately 30 days to allow for completion of the  
25 above-referenced discovery and any necessary proceedings related thereto.

26 IT IS SO STIPULATED.

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Dated: May 18, 2012

JACKSON LEWIS LLP

By: /s/ Jerry J. Deschler Jr.  
ROBERT J. SCHNACK  
JERRY J. DESCHLER, JR.

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

Dated: May 18, 2012

CHRISTOPHER H. WHELAN, INC.

By: /s/ Christopher H. Whelan [as approved on 5/18/12]  
CHRISTOPHER H. WHELAN

Attorneys for Plaintiff  
LINDA K. DESROSIERS


**ORDER**

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

IT IS HEREBY ORDERED:

- (1) The deadline for Defendants to complete discovery relating to completion of the deposition of Cynthia Front, M.D. and compliance with Defendant's subpoenas, shall be June 25, 2012; and
- (2) The deadline for Plaintiff to complete discovery relating to the site inspection of Defendants' premises shall be June 25, 2012.

Dated: May 25, 2012

  
MORRISON C. ENGLAND, JR  
UNITED STATES DISTRICT JUDGE