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9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA
 11

12 CARMELO ANTHONY, et al.,

13 Plaintiffs,

14 v.

15 LARRY HARMON, et al.,

16 Defendants.

CASE NO. 2:09-cv-02272-WBS-KJM

**STIPULATION AND ORDER TO MODIFY
 PRETRIAL SCHEDULING ORDER TO
 EXTEND DEADLINES PERTAINING TO
 EXPERT DISCOVERY AND EXPERT
 DISCOVERY CUT-OFF**

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 19 This stipulation is made by and between plaintiffs Carmelo Anthony, Melo Enterprises, Inc. and
 20 Chosen One Properties, LLC (“Plaintiffs”) and defendants Larry W. Harmon, Frank Castillo, Larry
 21 Harmon & Associates, P.A., Harmon-Castillo, LLP and Vitalis Partners, LLC (“Defendants”), in light of
 22 the following facts:

23 **RECITALS**

24 WHEREAS, this Court entered its Order re: Status (Pretrial Scheduling) Conference on
 25 January 8, 2010 (“Order”), Docket number 42;

26 WHEREAS, pursuant to the Order, the parties are to disclose experts and to produce expert
 27 reports in accordance with Federal Rule of Civil Procedure 26(a)(2) no later than October 15, 2010 and
 28

1 with regard to expert testimony intended solely for rebuttal on or before November 15, 2010 and with all
2 discovery to be completed by January 10, 2011;

3 WHEREAS, beginning on or about October 4, 2010, the parties have engaged in meaningful
4 settlement negotiations but need additional time to determine whether a settlement can be reached in this
5 case;

6 WHEREAS, the parties desire to minimize expenditure of resources and reserve available
7 moneys to settle their dispute rather than incur costs on expert reports and discovery at this time;

8 WHEREAS, Plaintiffs and Defendants agree that it would be in their collective best interests to
9 extend the current deadlines contained in the Order as follows:

10 (a) The deadline to disclose experts and produce reports in accordance with Federal
11 Rule of Civil Procedure 26(a)(2) to be extended from October 15, 2010 to November 30, 2010;

12 (b) The deadline to disclose expert testimony and produce reports intended solely for
13 rebuttal purposes in accordance with Federal Rule of Civil Procedure 26(a)(2) shall be extended from
14 November 15, 2010 to December 31, 2011;

15 (c) All expert discovery, as set forth in the Court's Order, shall be so conducted so as
16 to be completed by February 28, 2011;

17 WHEREAS, Plaintiffs and Defendants agree to use the extension of time afforded by this
18 Stipulation to explore settlement of their dispute;

19 WHEREAS, the proposed stipulated modification of the terms Court's January 8, 2010 Order
20 will not delay or prejudice the timely resolution of this case in the event the settlement negotiations
21 prove unsuccessful inasmuch as this case is not set for trial until July 26, 2011.

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23 **STIPULATION**

24 WHEREFORE, IT IS STIPULATED AND AGREED BY AND BETWEEN PLAINTIFFS
25 AND DEFENDANTS THAT:

26 (a) The parties shall disclose experts and produce reports in accordance with Federal Rule of
27 Civil Procedure 26(a)(2) no later than November 30, 2010;

1 (b) Expert testimony and reports intended solely for rebuttal purposes shall be disclosed and
2 reports produced in accordance with Federal Rule of Civil Procedure 26(a)(2) on or before
3 December 31, 2010; and

4 (c) All expert discovery shall be conducted so as to be completed by February 28, 2011.

5 IT IS SO STIPULATED.

6
7 DATED: October 6, 2010

BANKS & WATSON

8
9 By: /s/ James J. Banks

JAMES J. BANKS

10 Attorneys for Defendants LARRY W. HARMON,
11 FRANK CASTILLO, LARRY HARMON &
ASSOCIATES, P.A., HARMON-CASTILLO, LLP,
and VITALIS PARTNERS, LLC

12 DATED: October 6, 2010

ROBERT W. HIRSH & ASSOCIATES
ROBERT W. HIRSH

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14 WEINTRAUB GENSHLEA CHEDIAK
CHARLES L. POST

15
16 By: /s/ Robert W. Hirsh (as authorized on 10/6/10)

ROBERT W. HIRSH

17 Attorneys for Plaintiffs CARMELO ANTHONY,
18 MELO ENTERPRISES, INC. and CHOSEN ONE
PROPERTIES, LLC

19 IT IS SO ORDERED.

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21 DATED: October 7, 2010.

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23 
24 U.S. MAGISTRATE JUDGE