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7 Attorneys for Defendant
8 UNITED RENTALS NORTHWEST, INC.
9 (erroneously sued herein as UNITED RENTALS, UNITED RENTALS OF CHICO and
10 UNITED RENTALS, INC.)

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 MICHAEL HANSBROUGH and SANDY)
14 HANSBROUGH,) CASE NO. 2:09-CV-02419-LKK-GGH
15)
16 Plaintiffs,) **STIPULATED REQUEST AND**
17) **ORDER**
18 vs.)
19)
20 UNITED RENTALS, UNITED RENTALS OF)
21 CHICO, UNITED RENTALS, INC., GENIE)
22 INDUSTRIES and DOES 1 to 45, inclusive,)
23)
24 Defendants.)
25)
26)
27)
28)

29 Pursuant to stipulation of the parties and Local Rule 6-144 the parties hereby request that
30 the Court continue the expert designation and report disclosure deadline to September 30, 2010
31 and the discovery cut-off to October 15, 2010. The request is made on the basis of the following
32 stipulation:

33 1. Despite engaging in written discovery and depositions to prepare for trial, the
34 parties have been unable to identify the particular piece of equipment involved in the accident.
35 Identification and inspection of the particular piece of equipment is important to allow the parties
36 to complete trial preparations. Through discovery the parties have determined the equipment
37 involved in the plaintiffs' claim is one of three scissor lifts.

38 2. Plaintiffs' counsel made contact with a former employee of plaintiffs employer

1 who plaintiffs believed was able to identify the specific equipment involved in the claim. On July
2 16, 2010, the deposition of this former employee (Robin Henson) was completed.
3 Unfortunately, Mr. Henson could not definitively identify the subject equipment.

4 3. Given the current state of discovery, in order to prepare meaningful expert
5 reports, the parties' experts will need to inspect all three scissor lifts. One of the lifts is now in
6 Virginia, and the location of the other two lifts has not yet been determined.

7 4. Following Mr. Henson's deposition, counsel agreed to consider with their clients
8 proceeding to mediation without inspection of the three lifts in an effort to resolve the case
9 without incurring the significant expense of having experts travel to three locations to inspect
10 three different lifts.

11 5. If mediation is unsuccessful, the parties will proceed with the inspection of each
12 of the three potential lifts. There is insufficient time for the parties to complete inspection of the
13 machines or to participate in mediation before the current expert disclosure deadline of July 30,
14 2010. Thus, the parties request this date be changed to September 30, 2010, both to allow time
15 for inspection and for a mediation.

16 6. The parties previously obtained an order extending the expert disclosure deadline
17 as we anticipated that Mr. Henson would identify the subject lift and our experts could proceed
18 with their inspection.

19 7. Continuing the date of the expert disclosure deadline will not affect the pre-trial
20 conference date or the trial date set by the Court in its Pretrial Scheduling Order. The parties will
21 still disclose experts prior to the litigation status report. In order to allow expert discovery,
22 however, the parties request the discovery cut-off date be changed from September 9, 2010 to
23 October 15, 2010. This short extension would allow the parties to attempt to resolve the case
24 short of trial.

25 8. All parties stipulate that they will attempt to complete mediation without
26 identification of the subject lift. If mediation is unsuccessful, the parties' experts will conduct
27 their inspections of the three scissor lifts. The parties will incur significant expense if they are
28 forced to have their experts conduct the inspection of three scissor lifts prior to mediation. These

1 expenses might make the resolution of the case more difficult. Accordingly, the parties stipulate
2 and request that the Court extend the expert disclosure deadline to September 30, 2010 and the
3 discovery cut-off to October 15, 2010.

4
5 DATED: July 22, 2010

PETERS, RUSH HABIB & McKENNA

6
7 By: _____ /s/
8 James P. McKenna
9 Attorney for Plaintiffs
10 Michael Hansbrough and Sandy Hansbrough

11 DATED: July 22, 2010

CARROLL. BURDICK & McDONOUGH

12 By: _____ /s/
13 Larry B. Panek
14 Attorney for Defendant
15 Genie Industries

16 DATED: July 22, 2010

GORDON & REES

17 By: _____ /s/
18 Kathleen M. Rhoads
19 Attorney for Defendant
20 United Rentals Northwest, Inc.

21 **ORDER**

22 Based on the stipulation of the parties and good cause appearing therefore, the Court
23 extends the deadline for expert disclosure to and including September 30, 2010. The Court
24 extends the discovery cut-off date to and including October 15, 2010.

25 **SO ORDERED.**

26 Dated: July 26, 2010

27 
28 LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT