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 9 IN THE UNITED STATES DISTRICT COURT FOR THE
 10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)	Case No.: 2:09-cv-02868 JAM-JFM
)	
12)	
13 Plaintiff,)	STIPULATION AND ORDER CONTINUING
)	TRIAL DATE AND RELATED DEADLINES
14 v.)	
)	
15 PACIFIC GAS & ELECTRIC)	
16 COMPANY, DAVEY TREE SURGERY)	
COMPANY, and THE DAVEY TREE)	
17 EXPERT COMPANY,)	
)	
18 Defendants.)	
19)	

20 Plaintiff, United States of America, and Defendants, Pacific Gas & Electric Company,
 21 and Davey Tree Surgery Company, through their counsel of record, respectfully request a
 22 continuance of the trial date and related deadlines due to the following:

- 23 1. The scheduling order was amended most recently by order of the court dated
 24 December 16, 2010. The order moved the discovery and pretrial dates back approximately one
 25 month to allow additional time to allow experts to review factual discovery prior to preparing
 26 their expert reports. The order did not change the original trial date of April 11, 2011.
- 27 2. On January 3, 2011, the United States filed a designation of counsel that
 28 substituted AUSA Glen F. Dorgan in place of AUSA Robert E. Wright as the United States'

1 attorney of record. Mr. Wright had been the sole AUSA assigned to this case dating back to the
 2 filing date of the underlying complaint. In early December, AUSA Dorgan was assigned to
 3 assist AUSA Wright with the case in a limited fashion. However, on December 20, AUSA
 4 Wright announced his retirement from government employment, and his retirement became
 5 effective December 31, 2010. The principal purpose for the requested modification of the
 6 scheduling order is to afford sufficient time for AUSA Dorgan to come up to speed on the case
 7 and proceed with completing the remaining non-expert discovery, expert discovery and trial
 8 preparation. Complicating this process is the fact that the parties are working to complete
 9 approximately 13 remaining percipient witness depositions. As of the date of AUSA Wright's
 10 announcement of his retirement, the parties were working to complete the depositions during the
 11 first two to three weeks of January 2011. With the transfer of the case to AUSA Dorgan during
 12 the first week of January, the parties now anticipate that these depositions will be completed in
 13 February 2011.

14 3. As noted in the prior stipulation for an order modifying the scheduling order, the
 15 parties stipulate and agree that no party will file any dispositive motion and all parties have
 16 waived their right to file dispositive motions.

17 Based on the foregoing, the parties have agreed to move the trial date and related
 18 deadlines as follows:

	<u>Current Date</u>	<u>New Date</u>
19 Non-expert discovery cut-off	January 5, 2011	March 11, 2011
20 Expert Disclosure	February 4, 2011	April 8, 2011
21 Supp Expert Disclosure	February 18, 2011	April 22, 2011
22 Expert discovery Cut-off	March 4, 2011	May 13, 2011
23 Filing of Pre-trial Statements	March 11, 2011	May 27, 2011
24 Pre-Trial Conference	March 18, 2011 (2:00 p.m.)	June 3, 2011 (3:00 p.m.)
25 Trial	April 11, 2011 (9:00 a.m.)	July 11, 2011 (9:00 a.m.)

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Respectfully submitted,

BENJAMIN B. WAGNER
United States Attorney

Dated: January 11, 2011

By: /s/ Glen F. Dorgan
GLEN F. DORGAN
Assistant United States Attorney
Attorney for Plaintiff
UNITED STATES OF AMERICA

Dated: January 11, 2011

CARLSON, CALLADINE & PETERSON, LLP

By: /s/ A. David Bona
RANDY W. GIMPLE
A. DAVID BONA
LYNDE SELDEN, III
Attorneys for Defendant,
DAVEY TREE SURGERY COMPANY

Dated: January 11, 2011

NIXON PEABODY, LLP

By: /s/ Robert M. Blum
ROBERT M. BLUM
HAILEY R. HIBLER
Attorneys for Defendant
DAVEY TREE SURGERY COMPANY

Dated: January 11, 2011

FERRIS & BRITTON
A PROFESSIONAL CORPORATION

By: /s/ Michael R. Weinstein
MICHAEL R. WEINSTEIN
Attorneys for Defendant,
PACIFIC GAS AND ELECTRIC COMPANY

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 United States of America
 7

8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)	CASE NO: 2:09-cv-02868 JAM-JFM
)	
11 Plaintiff,)	PROPOSED ORDER CONTINUING
)	TRIAL DATE AND RELATED
12 v.)	DEADLINES
)	
13 PACIFIC GAS & ELECTRIC COMPANY,)	
14 DAVEY TREE SURGERY COMPANY,)	
and THE DAVEY TREE EXPERT)	
15 COMPANY,)	
)	
16 Defendants.)	
)	

17
 18 Based upon the stipulation of the parties, and good cause appearing therefore, IT IS
 19 HEREBY ORDERED that the trial date and related deadlines be moved out to the following
 20 dates:

	<u>Current Date</u>	<u>New Date</u>
21 Non-expert discovery cut-off	January 5, 2011	March 11, 2011
22 Expert Disclosure	February 4, 2011	April 8, 2011
23 Supp Expert Disclosure	February 18, 2011	April 22, 2011
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IT IS SO ORDERED.

DATED: 1/12/2011

/s/ John A. Mendez
HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE