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6 SAM'S WEST, INC. (erroneously sued
as WAL-MART STORES, INC.)

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11 Attorney for Plaintiff
12 LAURA TOYSA

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION
15

16 LAURA TOYSA,

17 Plaintiff,

18 v.

19 WAL-MART STORES, INC., a Delaware
20 Corporation; and DOES 1 through 100,
inclusive,

21 Defendants.
22

CASE NO. 2:09-cv-03113-GEB-DAD

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE DEADLINE FOR
EXCHANGE OF EXPERT WITNESSES**

Judge: Hon. Garland E. Burrell, Jr.
Ctm.: 10

Action Filed: August 13, 2009
Trial Date: September 27, 2011

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1 Plaintiff Laura Toysa ("Plaintiff"), through her counsel Leo Donahue, Inc., and Defendant
2 Sam's West, Inc., erroneously sued as Wal-Mart Stores, Inc., ("Defendant"), through its counsel
3 Villarreal Hutner PC, (collectively "the Parties") do hereby agree and stipulate as follows:

4 WHEREAS, the current deadline for exchange of expert witnesses is September 17, 2010;

5 WHEREAS, Defendant has not yet been able to depose Plaintiff;

6 WHEREAS, Plaintiff's deposition was scheduled for July 28, 2010;

7 WHEREAS, Plaintiff did not attend her scheduled deposition on July 28, 2010;

8 WHEREAS, Defendant has consistently and diligently been attempting to reschedule
9 Plaintiff's deposition, but was unable to obtain a date from Plaintiff for her deposition until this
10 week;

11 WHEREAS, Plaintiff's deposition has now been rescheduled for September 30, 2010;

12 WHEREAS, due to Defendant's inability to depose Plaintiff, the parties are not in a
13 position to know what experts may be needed in this matter.

14 WHEREAS, the Parties are adverse to each other, but now jointly request that:

15 1. This Court continue the deadline for exchange of expert witnesses until October 29,
16 2010.

17 2. This Court continue the deadline for exchange of rebuttal expert witnesses until
18 November 29, 2010.

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20 Respectfully submitted,

21 Dated: September 17, 2010

VILLARREAL HUTNER PC

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23 By: /s/Tracy S. Todd
TRACY S. TODD

24 Attorney for Defendant
25 SAM'S WEST, INC.

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Dated: September 17, 2010

LEO F. DONAHUE, INC.

By: /s/ Leo F. Donahue
LEO F. DONAHUE

Attorney for Plaintiff
LAURA TOYSA

IT IS SO ORDERED that the deadline for exchange of expert witnesses in this matter is now set for October 29, 2010, and the exchange of authorized rebuttal information is now set for November 29, 2010.

Date: 9/22/2010



GARLAND E. BURRELL, JR.
United States District Judge