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14 Attorneys for Defendant
RAGINGWIRE ENTERPRISE SOLUTIONS, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

19 || PHILLIP MOULAY, an individual,

Case No. 2:09-CV-03213-KJM-KJN

20 Plaintiff,

**JOINT STIPULATION AND ORDER
AMENDING SCHEDULING ORDER
TO CONTINUE DISCOVERY CUT-
OFF**

21 vs.
22 RAGINGWIRE ENTERPRISE SOLUTIONS,
23 INC., a Nevada corporation; and DOES 1
through 10, inclusive.

Complaint Filed: October 7, 2009
Trial Date: October 25, 2011

24 ||| Defendant

1 **IT IS HEREBY STIPULATED AND AGREED** by the parties to the above-captioned
2 action, Plaintiff Phillip Moulay and Defendant RagingWire Enterprise Solutions, Inc.
3 (collectively referred to as “the parties”), by and through their counsel of record, that the Status
4 (Pretrial Scheduling) Order entered by Judge Garland E. Burrell Jr. on March 24, 2010 be
5 amended to continue the discovery cut-off from March 16, 2011 to April 1, 2011. Pursuant to
6 Local Rule 144, the parties confirm that no previous extensions to the discovery cut-off have been
7 obtained. The parties do not seek the modification of any other dates set by the Status Order,
8 including the trial date.

9 The proposed modification of the Status Order is proper under Federal Rule of Civil
10 Procedure 16(b)(4), which allows the Court to modify a scheduling order upon a showing of good
11 cause. Fed. R. Civ. Proc. 16(b)(4); Johnson v. Mammoth Recreations, Inc. (9th Cir. 1992) 975
12 F.2d 604, 607-608. Good cause exists for the brief continuance of the discovery cut-off to
13 April 1, 2011 because despite the parties’ diligent efforts, they have been unable to schedule a
14 Rule 30(b)(6) deposition of Defendant until February 18, 2011, which is approximately three
15 weeks before the scheduled discovery cut-off. Plaintiff initially noticed Defendant’s deposition
16 for January 19, 2011, but because of scheduling conflicts (which include defense counsel’s
17 involvement in a prolonged trial in San Francisco Superior Court), the deposition could not occur
18 on that day and the parties began discussions to schedule it for an alternate day. After
19 considerable communications, the parties have agreed that the deposition can take place on
20 February 18, 2011. Although the parties do not anticipate any issues at the deposition, Plaintiff
21 will not have enough time before the current discovery cut-off to file a motion to compel
22 regarding the deposition if such a motion becomes necessary. As such, the parties stipulate that
23 the discovery cut-off be continued from March 16, 2011 to April 1, 2011.

24 Neither the parties nor the Court will be prejudiced by the short continuance of the
25 discovery deadline. It will not impact any other deadlines in the case, including the trial date.

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1 The parties hereby stipulate to an order containing the terms of this Stipulation, and
2 respectfully request the Court to issue such an order.

3 **IT IS SO STIPULATED.**

4
5 Date: February 3, 2011

LAW OFFICES OF MICHAEL TRACY

6
7 By /s/ Michael L. Tracy [authorized 2/1/11]
MICHAEL L. TRACY
8 MEGAN ROSS HUTCHINS

9 Attorneys for Plaintiff Phillip Moulay

10 Date: February 3, 2011

JACKSON LEWIS LLP

11
12 By: /s/ James T. Jones
13 CARY G. PALMER
14 JAMES T. JONES
ERIKA BARBARA PICKLES

15 Attorneys for Defendant RagingWire
16 Enterprise Solutions, Inc.

17 **ORDER**

18 Pursuant to the above Stipulation of the parties, the March 24, 2010 Status
19 (Pretrial Scheduling) Order is amended to continue the discovery cut-off from March 16, 2011 to
20 April 1, 2011. No other dates in the Status Order are altered by this Order.

21 **IT IS SO ORDERED.**

22 Dated: February 7, 2011.


23 PHILLIP J. MULLER
24 UNITED STATES DISTRICT JUDGE