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

BEST BUY STORES, L.P., a Virginia
limited partnership,

Plaintiff,

No. 2:10-cv-0389-WBS-KJN

vs.

MANTECA LIFESTYLE CENTER, LLC,
a Delaware limited liability company,

Defendant.

ORDER

At the joint request of plaintiff and counter-defendant Best Buy Stores, L.P. (the “plaintiff” or “Best Buy”) and defendant and counter-claimant Manteca Lifestyle Center, LLC (the “defendant” or “Manteca”), on August 3, 2011, at 9:30 a.m., the undersigned presided over an informal telephonic discovery conference.¹ Attorneys Amy Churan and Michael Geibelson attended telephonically on behalf of the plaintiff. Attorney Howard Jeruchimowitz attended telephonically on behalf of the defendant.

For the reasons discussed during the conference and based on the parties’ stipulations stated therein, good cause appearing, it is hereby ORDERED that the Status (Pretrial

¹ This action proceeds before the undersigned pursuant to Eastern District of California Local Rule 302(c)(1) and 28 U.S.C. § 636(b)(1).

1 Scheduling) Order (Dkt. No. 24) as previously amended on March 3, 2011 (Dkt. No. 37) be
2 further amended² as follows:

3 1. The deadline for the parties to disclose experts and produce reports in
4 accordance with Federal Rule of Civil Procedure 26(a)(2) shall be extended from July 29, 2011,
5 to August 12, 2011.

6 2. The deadline for the parties to disclose rebuttal experts and produce
7 rebuttal expert reports shall be extended from August 26, 2011, to September 9, 2011.

8 3. The deadline to complete all discovery shall be extended from September
9 30, 2011, to October 31, 2011, with all motions to compel to be heard no later than October 31,
10 2011.

11 4. All other deadlines are to remain unchanged.

12 Further, for the reasons discussed during the conference and based upon the
13 representations of the parties, it is hereby ORDERED that:

14 5. Plaintiff's request for leave to take more than ten depositions pursuant to
15 Federal Rule of Civil Procedure 30(a)(2)(A)(i) is denied without prejudice at this time.

16 (a) Plaintiff may request such leave in the future; however, for each
17 additional deposition requested plaintiff must provide a detailed
18 explanation as to why that particular deposition is necessary and
19 why its necessity was not previously anticipated. The detailed
20 explanation(s) should include supporting citations to specific
21 discovery documents and/or witness testimony. Any such request
22 should also explain why the additional deposition(s) would be
23 consistent with the principles governing limitations on discovery.

24
25 ² The Status (Pretrial Scheduling) Order gives the magistrate judge the authority to hear
26 and decide requests to modify the dates or terms therein, except for requests to change the trial
date. (Dkt. No. 24 at 5.)

1 Fed. R. Civ. P. 26(b)(2). The parties remain free to stipulate to the
2 taking of additional depositions and, where reasonable, are
3 encouraged to do so.


4 6. By close of business on Monday, August 8, 2011, defendant is ordered to
5 complete its document production in its entirety, including but not limited to the production of
6 two unredacted leases as discussed during the teleconference.

7 7. By close of business on Friday, August 12, 2011, plaintiff is ordered to
8 complete its document production in its entirety, including but not limited to the production of
9 plaintiff's redacted financial reports as discussed during the teleconference.

10 8. The hearing currently set for August 25, 2011, regarding Defendant's
11 Motion For Protective Order, Or, In The Alternative, To Quash The Subpoenas (Dkt. No. 55),
12 shall remain on calendar. If the parties are unable to resolve this dispute through their continued
13 meet and confer efforts, the parties shall file a Joint Statement re: Discovery Disagreement at
14 least seven days before the hearing date in accordance with Local Rule 251. Counsel may appear
15 telephonically at the hearing, but must make arrangements for telephonic appearance by
16 contacting the undersigned's courtroom deputy at (916) 930-4187. Counsel may also stipulate
17 that the hearing be taken off calendar and may instead request another informal telephonic
18 conference.

19 IT IS SO ORDERED.

20 DATED: August 3, 2011

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22 
23 KENDALL J. NEWMAN
24 UNITED STATES MAGISTRATE JUDGE
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