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28 **UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOHNS MANVILLE,

Plaintiff,

v.

RED RIVER WAREHOUSE, INC.; and
DOES 1 through 30,

Defendants.

Case No. 2:10-CV-02260-WBS-EFB

**STIPULATION TO CONTINUE
EXPERT DISCLOSURE AND
MOTION FILING DEADLINES;
ORDER**

FRCP 34; Local Rule 250.3

Johns Manville v. Red River Warehouse, et al.

Case No. 2:10-CV-02260-WBS-EFB

1
2 RED RIVER WAREHOUSE, INC.,
3 AND RED RIVER WAREHOUSE OF
CALIFORNIA, LLC

4 Counter-Claimants,

5 vs.

6 JOHNS MANVILLE,

7 Cross-Defendants.
8

9
10 The parties, by and through their undersigned counsel of record, hereby
11 stipulate to the following:

12 RECITALS

13 WHEREAS, the Status (Pretrial Scheduling) Order provides that the
14 parties shall disclose experts and produce reports pursuant to Federal Rule Civil
15 Procedure 26(a)(2) by August 19, 2011, and thereafter that rebuttal experts and
16 reports shall be disclosed by September 16, 2011;

17 WHEREAS, the Status (Pretrial Scheduling) Order provides that all
18 motions, except motions for continuances, temporary restraining orders, or other
19 emergency applications, shall be filed on or before October 14, 2011;

20 WHEREAS, counsel have been engaged in meet-and-confer discussions to
21 cooperate on the scheduling of expert discovery and discovery that may be needed
22 in the preparation of dispositive motions;

23 WHEREAS, the parties agree that continuing the expert disclosure and
24 motion filing deadline dates will serve the purposes of cooperating, making expert
25 disclosures more meaningful and useful, and being efficient in completing pre-trial
26 discovery;

27 WHEREAS, Federal Rule of Civil Procedure 26(a)(2)(D) provides that the
28 parties may stipulate as to the timing for expert disclosures;

1 WHEREAS, continuing the deadline to file a motion with the court would
2 not interfere with the trial date and would promote the efficiency of discovery
3 completion;

4 WHEREAS, there have been no previously extensions of time for expert
5 disclosure or motion filing deadlines;

6 STIPULATION

7 WHEREFORE, the parties hereby stipulate that the subject deadlines shall
8 be extended and continued as follows:

9 1. The parties shall disclose experts and produce reports in accordance
10 with Federal Rule of Civil Procedure 26(a)(2) by no later than September 30, 2011;

11 2. With regard to expert testimony intended solely for rebuttal, those
12 experts shall be disclosed and reports produced in accordance with Federal Rule of
13 Civil Procedure 26(a)(2) on or before October 28, 2011;

14 3. Expert-related discovery shall be completed by December 2, 2011.

15 4. All motions, except motions for continuances, temporary restraining
16 orders, or other emergency applications, shall be filed on or before November 30,
17 2011.

18 **IT IS SO STIPULATED.**

19 Dated: August __, 2011

MULLEN & HENZELL L.L.P.

20 signature on original

21 By: _____
22 Jared M. Katz
23 Attorneys for Defendants RED RIVER
WAREHOUSE, INC. and RED RIVER
WAREHOUSE OF CALIFORNIA, LLC

24 Dated: August __, 2011

**GRESHAM, SAVAGE, NOLAN &
TILDEN**

25 signature on original

26 By: _____
27 Eugene Kim
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Attorneys for Counter-claimants RED
RIVER WAREHOUSE, INC. and RED
RIVER WAREHOUSE OF
CALIFORNIA, LLC

Dated: August ____, 2011

ARCHER NORRIS

By: _____ signature on original
Sharon Collier
Attorneys for Plaintiff Counter-Defendant
Johns Manville

ORDER

In light of the foregoing stipulation of the parties, IT IS HEREBY ORDERED that the February 24, 2011 Status (Pretrial Scheduling) Order is modified as follows:¹

1. The parties shall disclose experts and produce reports in accordance with Federal Rule of Civil Procedure 26(a)(2) by no later than September 30, 2011;

2. With regard to expert testimony intended solely for rebuttal, those experts shall be disclosed and reports produced in accordance with Federal Rule of Civil Procedure 26(a)(2) on or before October 28, 2011;

3. Expert-related discovery shall be completed by December 2, 2011;

4. Motions to compel expert-related discovery must be heard not later than November 2, 2011; and

5. All motions, except motions for continuances, temporary restraining orders, or other emergency applications, shall be filed on or before November 30, 2011.

Dated: August 22, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

¹ The Rule 16 good cause standard is not addressed herein in light of the parties' stipulation.