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Attorneys for Plaintiff
FRANK NEWHOUSE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK NEWHOUSE,

Plaintiff,

v.

THE VALSPAR CORPORATION, a
Delaware Corporation; JENNIFER
PIERRE; PAT PETERSON; and DOES 1
through 100, inclusive,

Defendant.

Case No. 2:10-CV-02617-GEB-EFB

**STIPULATION AND [PROPOSED]
ORDER MODIFYING THE PRETRIAL
SCHEDULING**

Trial Date:
Complaint Filed:

1 The Valspar Corporation (“Defendant”) and Frank Newhouse (“Plaintiff”)
2 (collectively referred to as “the Parties”), by and through their respective counsel of record for good
3 cause do hereby stipulate and respectfully request that this Court issue an Order amending the
4 Pretrial Scheduling Order issued on February 21, 2011 for the reasons set forth below.

5 1. The Parties submitted a joint scheduling report on February 14, 2011 requesting that
6 the expert disclosure and discovery cut-off dates be set after the close of fact discovery, currently set
7 for February 16, 2012. On February 21, 2011, the Court set the expert disclosure deadline for
8 September 16, 2011.

9 2. The Parties are in the process of exchanging written discovery and intend to schedule
10 depositions shortly.

11 3. The Parties have agreed to attend mediation after the initial round of discovery and
12 depositions and expect to conclude mediation by the Fall of 2011. The Parties seek to avoid the
13 expense of expert witnesses where one or more of the parties will file dispositive motions. Thus, the
14 expense of retaining expert witnesses before mediation and dispositive motions would be an
15 unnecessary cost that may be avoided if the pretrial schedule is modified.

16 4. Counsel for Plaintiff is currently considering whether they will continue representation of
17 Plaintiff in this matter and may require additional time to make a decision.

18 Accordingly, the Parties hereby stipulate and move the Court jointly for an order
19 amending the Pretrial Scheduling Order as follows:

20 (1) Previous Discovery Cut Off: February 16, 2012

21 Proposed Non-Expert Discovery Cut Off: February 16, 2012

22 (2) Previous Disclosure of Expert Witnesses: September 16, 2011

23 Proposed Disclosure of Expert Witnesses: May 4, 2012

24 (3) Previous Completion of Expert Witness Discovery: October 17, 2011

25 Proposed Completion of Expert Witness Discovery: May 25, 2012

26 (4) Previous Dispositive Motion Hearing Date: April 16, 2012

27 Proposed Dispositive Motion Hearing Date: April 2, 2012
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(5) Final Pre-Trial Conference Date: June 18, 2012

(no change)

(6) Trial: September 25, 2012

(no change)

Dated: June __, 2011

DENNIS M. BROWN
ERICA H. KELLEY
ISELA PEREZ
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
THE VALSPAR CORPORATION

Dated: June __, 2011

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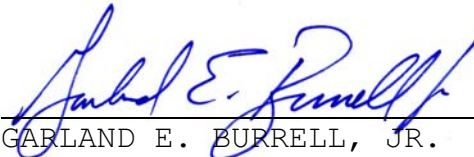
1 **ORDER**

2 This matter having come before the Court upon the written Stipulation of the Parties,
3 a copy of which is attached hereto, it is hereby ordered that the Court's Scheduling Conference
4 Order, entered into on February 21, 2011, be modified as follows:

- 5 (1) Non-Expert Discovery Cut Off: February 16, 2012
6 (2) Disclosure of Expert Witnesses: May 4, 2012
7 (3) Completion of Expert Witness Discovery: May 25, 2012
8 (4) Dispositive Motion Hearing Date: April 2, 2012
9 (5) Final Pre-Trial Conference Date: June 18, 2012
10 (6) Trial: September 25, 2012

11 **IT IS SO ORDERED.**

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13 DATED: June 17, 2011

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15 GARLAND E. BURRELL, JR.
16 United States District Judge
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