I

1 2 3 4 5 6 7	MENNEMEIER, GLASSMAN & STROUD ANDREW W. STROUD (SBN 126475) SARAH J. FISCHER (SBN 260807) 980 9th Street, Suite 1700 Sacramento, CA 95814 Telephone: (916) 553-4000 Facsimile: (916) 553-4011 E-mail: stroud@mgslaw.com Attorneys for Plaintiff In-Shape Health Clubs, Inc. Michael S. Warda (SBN 176360)	LLP			
8	WARDA & YONANO, LLP 2350 W. Monte Vista Avenue				
9	Turlock, CA 95382 Telephone: (209) 667-1889				
10	Facsimile: (209) 667-1809				
11	Attorneys for Defendant Turlock Health & Fitness Center, Inc., dba Brenda Athletic Clubs, a California corporation				
12					
13	UNITED STATES DISTRICT COURT				
14	EASTERN DISTRICT OF CALIFORNIA				
15	IN-SHAPE HEALTH CLUBS, INC., a California corporation,	) CASE NO.: 2:10-cv-02791-JAM-KJN			
16 17	Plaintiff,	<ul> <li>STIPULATION AND ORDER MODIFYING</li> <li>SCHEDULING ORDER WITH RESPECT</li> <li>TO EXPERT DISCLOSURE AND</li> </ul>			
18	v.	) DISCOVERY DEADLINES			
19	TURLOCK HEALTH & FITNESS CENTER, INC., dba BRENDA ATHLETIC CLUBS, a California corporation; and	) ) ) The Honorable John A. Mendez			
20	DOES 1 through 10, inclusive,	)			
21	Defendants.	, ) )			
22	/				
23	RECITALS				
24	Whereas, this Court's Scheduling Order (Doc. # 10) currently requires the parties				
25	to disclose their expert witnesses pursuant to Federal Rule of Civil Procedure 26(a)(2) by July				
26	15, 2011;				
27					
28					
	10cv2791.o.62111.wpd         1           STIPULATION AND [PROPOSED] ORDER MODIFYING SCHEDULING ORDER				
		Desiste			

1	Whereas, this Court's Scheduling Order currently requires the parties to disclose			
2	any supplemental or rebuttal experts pursuant to Federal Rule of Civil Procedure 26(a)(2)(c) by			
3	July 22, 2011;			
4	Whereas, this Court's Scheduling order currently orders that all discovery shall be			
5	completed by September 16, 2011;			
6	Whereas, counsel for Plaintiff are unavailable and traveling out-of-state over the			
7	next several weeks, making the completion of expert discovery difficult;			
8	Whereas, in light of the unavailability of counsel, the parties agree that good cause			
9	exists to modify the Scheduling Order and to continue the expert disclosure and expert discovery			
10	deadlines only;			
11	Now, therefore, the parties enter into the following stipulation:			
12	STIPULATION			
13	The parties, by and through their respective attorneys, stipulate and agree as			
14	follows:			
15	1. The deadline to disclose expert witnesses pursuant to Federal Rule of Civil			
16	Procedure 26(a)(2) is continued to September 9, 2011;			
17	2. The deadline to disclose any supplement or rebuttal expert witnesses			
18	pursuant to Federal Rule of Civil Procedure 26(a)(2)(c) is continued to September 16, 2011;			
19	3. The deadline to complete expert discovery only is continued to September			
20	30, 2011; and			
21	4. All other pre-trial and trial dates shall remain the same.			
22	Dated: June 21, 2011 MENNEMEIER, GLASSMAN & STROUD LLP			
23				
24	By: /s/ Andrew W. Stroud			
25	Attorneys for Plaintiff			
26				
27				
28	10cv2791.o.62111.wpd 2			
	10cv2791.o.62111.wpd     2       STIPULATION AND [PROPOSED] ORDER MODIFYING SCHEDULING ORDER			

1	Dated: June 21, 2011		WARDA & YONANO, LLP
2			
3		By:	/s/
4			Michael S. Warda Attorneys for Defendant
5			
6			ORDER
7	IT IS SO ORDERED.		
8	DATED: June 21, 2011		/s/ John A. Mendez U.S. DISTRICT COURT JUDGE
9			U.S. DISTRICT COURT JUDGE
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
	10cv2791.o.62111.wpd STIPULATION AND [PR	OPOSED	3 O] ORDER MODIFYING SCHEDULING ORDER