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11 MARCUS D. JACKSON, TAARIG PATEL,  
FREDERICK TOUSSAINT and DONALD  
12 WALLACE

13 UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA

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16 MOSES ANDERSON, LAUNTE  
BARNES, MARCUS D. JACKSON,  
17 TAARIG PATEL, FREDERICK  
TOUSSAINT and DONALD WALLACE,

18 Plaintiff,

19 v.

20 THE VALSPAR CORPORATION, a  
21 Delaware Corporation; JENNIFER  
PIERRE, a California Resident; and DOES  
22 1 through 100, inclusive,

23 Defendant.

Case No. 2:10-CV-03182-GEB-EFB

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

Trial Date: Not Set

24 The Valspar Corporation (“Defendant”) and Moses Anderson, Launte Barnes, Marcus  
25 Jackson, Taarig Patel, Frederick Toussaint and Donald Wallace (“Plaintiffs”) (collectively referred  
26 to as “the Parties”), by and through their respective counsel of record for good cause do hereby  
27 stipulate and respectfully request that this Court issue an Order modifying the Pretrial Scheduling  
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1 Order issued on April 5, 2011 for the reasons set forth below.

2 1. Defendant noticed the depositions of the Plaintiffs for February 21, 2012 to February  
3 24, 2012 before the current fact discovery cut-off date of March 16, 2012.

4 2. In-house counsel for Defendant anticipated attending those depositions as the  
5 company representative and to assist him in evaluating the case. The Company was recently ordered  
6 to attend a preliminary injunction hearing in Pittsburg, Pennsylvania set for February 22<sup>nd</sup> and 23<sup>rd</sup>  
7 and Defendant's in-house counsel must now prepare for and attend that preliminary injunction  
8 hearing. As a result, Defendant needs to move the depositions to allow its in-house counsel to attend  
9 the plaintiffs' depositions.

10 3. Plaintiffs' counsel, Mr. Jennings, has an annual pre-paid vacation from February 25,  
11 2012 to March 19, 2012 and is unavailable for any purpose during that time.

12 4. The parties agree that the next mutually agreeable dates for Plaintiffs' depositions are  
13 the weeks of either March 26<sup>th</sup> or April 2<sup>nd</sup>, depending on witness availability.

14 5. Counsel for the parties agree that no other deadline set forth in this Court's  
15 Scheduling Order dated April 5, 2011 needs to be moved or modified as the result of allowing the  
16 Plaintiffs' depositions to take place after the non-expert discovery cut-off deadline.

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

19 (1) To allow Defendant to take each of the Plaintiffs' depositions after the current non-  
20 expert discovery cut-off date of March 16, 2012 on dates that are mutually agreeable to all parties to  
21 take place on or before April 6, 2012.

22 (2) To keep deadlines currently set forth in this Court's Scheduling Order the same  
23 except for the modification in permitting Defendant to take Plaintiffs' depositions after the non-  
24 expert discovery cut-off date.

1 Dated: February 9, 2012

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/s/ Erica H. Kelley

DENNIS M. BROWN

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ERICA H. KELLEY

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LITTLER MENDELSON

A Professional Corporation

Attorneys for Defendant

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THE VALSPAR CORPORATION

7 Dated: February 9, 2012

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/s/ Martin Jennings

MARTIN JENNINGS

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Attorney for Plaintiffs

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MOSES ANDERSON, LAUNTE BARNES,

MARCUS D. JACKSON, TAARIG PATEL,

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FREDERICK TOUSSAINT and DONALD

WALLACE

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**ORDER**

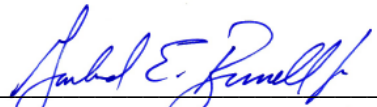
This matter having come before the Court upon the written Stipulation of the Parties, a copy of which is attached hereto, it is hereby ordered that the Court’s Scheduling Conference Order, entered into on April 5, 2011, be modified as follows:

(1) Defendant shall be permitted to take Plaintiffs’ depositions after the current non-expert discovery cut-off date of March 16, 2012 on dates that are mutually agreeable to all parties to take place on or before April 6, 2012.

(2) All other deadlines currently set forth in this Court’s Scheduling Order shall remain the same.

**IT IS SO ORDERED.**

**Date: 2/10/2012**

  
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GARLAND E. BURRELL, JR.  
United States District Judge