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16 **UNITED STATES DISTRICT COURT**
 17 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**
 18

19 SHAUN OWENS,) Case No. 2:12-CV-00419-WBS-JFM
)
 20 Plaintiff,)
)
 21 v.) **STIPULATION AND ORDER**
) **REGARDING PRETRIAL DATES**
)
 22 WALGREEN CO. and DOES 1 through 100,)
 inclusive,)
 23)
)
 24 Defendants.)

25 **I. STIPULATION**

26 Pursuant to Rule 302 of the Local Rules of Court for the Eastern District of California, and
 27 this Court's May 25, 2012 Status (Pretrial Scheduling) Order, the parties hereto, Plaintiff Shaun
 28 ///

1 Owens (“Plaintiff”) and Defendant Walgreen Co. (“Walgreens”), by and through their
2 undersigned counsel of record, hereby enter into the following stipulation:

- 3 1. Each party states that it has diligently pursued the litigation of this case.
- 4 2. The parties desire to explore the prospects for settlement before incurring any additional
5 discovery or litigation expense.
- 6 3. The parties will work in good faith to resolve this case, and will select a mediator and
7 schedule mediation at the earliest possible date if they are unable to resolve this matter promptly.
- 8 4. All depositions for which notices were served on or before September 20, 2012 shall be
9 continued until after **December 31, 2012**, and the parties agree to extend until **February 8, 2013**
10 the period in which those depositions must be completed. This stipulation applies only to
11 deposition notices served on or before September 20, 2012. Walgreens will respond on or before
12 **December 1, 2012** to the written discovery served by Plaintiff on September 18 and 20, 2012, as
13 well as Plaintiff’s Special Interrogatories to Defendant, Set One, served on or about April 13,
14 2012. Plaintiff will respond on or before **December 1, 2012** to Defendant’s *Supplemental*
15 *Interrogatory* to Plaintiff, Set One and Defendant’s Supplemental Request for Production of
16 Documents, Set One. By entering into this Stipulation and Order, no party waives any objection
17 or position regarding any such discovery request or deposition notice. This Stipulation and Order
18 extends the period for discovery only with regard to the discovery requests and deposition notices
19 specified herein. It does not extend the time for any other discovery.
- 20 5. Notwithstanding the Court’s September 26, 2012 Order granting the parties’ stipulation
21 regarding expert disclosures (Doc. No. 28), the parties agree to further extend the date for
22 disclosure of experts and reports per Rule 26(a)(2) of the Federal Rules of Civil Procedure until
23 **January 2, 2013**, with the disclosure of expert witnesses and reports to be used for rebuttal, if
24 any, being made on or before **January 30, 2013**. The parties agree that all expert discovery shall
25 be concluded on or before **February 15, 2013**.
- 26 6. The parties agree that all motions, except motions for continuances, temporary restraining
27 orders, or other emergency applications, shall be filed on or before **February 8, 2013**, and shall
28 be noticed for the next available hearing date.

1 7. The parties agree that, provided the Court approves this stipulation, Plaintiff's September
2 18, 2012 "Motion and Order to Modify the Court's Status (Pretrial Scheduling) Order," and all
3 other matters noticed for October 18, 2012, may be taken off calendar.

4 8. The parties agree that the Pretrial Conference and Trial Date in this case are not affected
5 by this stipulation, and shall remain scheduled for **March 18, 2013** and **May 14, 2013**,
6 respectively.

7
8 DATED: September 28, 2012

BERRY & BLOCK LLP

9
10 By /s/ Rex Darrell Berry, Esq.
11 REX DARRELL BERRY
Attorneys for Defendant Walgreen Co.

12 DATED: September 28, 2012

BOHM LAW GROUP

13
14 By /s/ Lawrence Bohm, Esq.
15 LAWRENCE BOHM
Attorneys for Plaintiff Shaun Owens

16
17 DATED: September 28, 2012

LAW OFFICE OF ERIKA M. GASPAR

18
19 By /s/ Erika M. Gaspar, Esq.
20 ERIKA M. GASPAR
Attorneys for Plaintiff Shaun Owens

21 **II. ORDER**

22 **IT IS SO ORDERED.**

23 **Date: 9/28/2012**

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26 UNITED STATES MAGISTRATE JUDGE

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DECLARATION OF SERVICE

I am a citizen of the United States, over the age of 18 years, and not a party to or interested in this action. I am an employee of Berry & Block LLP, and my business address is 2150 River Plaza Drive, Suite 415, Sacramento, CA 95833. On this day I caused to be served the following document(s):

STIPULATION AND [PROPOSED] ORDER REGARDING PRETRIAL DATES

by placing the original a true copy into sealed envelopes addressed and served as follows:

Attorney for Plaintiff

Lawrance Bohm
BOHM LAW GROUP
4600 Northgate Blvd., Ste 210
Sacramento, CA 95834
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BY MAIL: I am familiar with this firm's practice whereby the mail, after being placed in a designated area, is given fully prepaid postage and is then deposited with the U.S. Postal Service at Sacramento, California, after the close of the day's business.

BY PERSONAL DELIVERY: I caused such envelope to be delivered by hand.

BY OVERNIGHT COURIER: I caused such envelope to be placed for collection and delivery in accordance with standard overnight delivery procedures for delivery the next business day.

BY FACSIMILE: I caused such documents(s) to be transmitted by facsimile transmission from (916) 564-2024 to the person(s) and facsimile transmission without number(s) shown about. The facsimile transmission was reported as complete without error and a transmission report was properly issued by the transmitting facsimile machine. A true and correct copy of the transmission report will be attached to this proof of service after facsimile service is completed.

BY FEDERAL ELECTRONIC FILING: I caused such document(s) to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing and copies of the document(s) to the parties.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **September 28, 2012**, at Sacramento, California.

/s/ Jenny O'Shaughnessy
Jenny O'Shaughnessy