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8 Attorneys for Plaintiff
 SHAUN OWENS

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

12 SHAUN OWENS,
 13 Plaintiff,
 14 v.
 15 WALGREEN CO.; and DOES 1-100, inclusive,
 16 Defendant.
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Case No. 2:12-CV-00419-WBS-AC

**STIPULATION AND
 ORDER TO MODIFY THE COURT'S
 PRETRIAL SCHEDULING ORDER
 REGARDING DISCOVERY
 DEADLINES AND PRETRIAL
 CONFERENCE DATE**

19 Plaintiff, SHAUN OWENS, by and through his attorneys of record, Lawrance A. Bohm
 20 and Erika M. Gaspar and Defendant, WALGREEN CO., by and through their attorney of record
 21 Rex Darrell Berry, stipulate to modify the Court's Status (Pretrial Scheduling) Order (Doc. #18)
 22 of May 25, 2012, and October 1, 2012 Stipulation and Order Regarding Pretrial Dates (Doc #30)
 23 to extend certain discovery deadlines. This stipulation is made pursuant to Rule 16(b)(4) of the
 24 Federal Rules Civil Procedure, the local rules of the Eastern District of California, and the
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1 Standing Orders of this Court. Good cause exists to extend the dates for completion of certain
2 discovery identified herein.

3 **I. EXISTENCE OF GOOD CAUSE**

4 1. Good cause exists in that the parties are engaged in good faith efforts to
5 resolve the pending litigation.

6 2. Good cause exists in that on September 20, 2012 Plaintiff properly served
7 notice of depositions for Defendant's witnesses scheduled for dates in October, 2012.
8 However, to accommodate the business needs of Defendant, a retail merchant, during the
9 holidays, the trial schedule of Plaintiff's counsel and the parties' efforts towards resolution,
10 Plaintiff has agreed to stay the taking of previously noticed depositions and certain other
11 discovery until after December 31, 2012.

12 3. Good cause exists in that despite diligent efforts on the part of the parties to
13 attempt to resolve their disputes, it has been determined that no further progress can be
14 made until the deposition of one particular Defendant witness, a store manager, is taken.
15 This witness is not available until January 15, 2013, and his deposition has been set to go
16 forward on that date.

17 4. Good cause exists in that Plaintiff's counsel is in arbitration from January
18 21-29, 2013, in *Stout v. WM Group of Funds*, American Arbitration Association, Case No.
19 74-160-00575-06 ISCA.

20 5. Good cause exists in that the parties have agreed to go to mediation in this
21 matter on January 31, 2013.

22 6. Good cause exists in that the current date for disclosure of experts and
23 reports per Rule 26(a)(2) is January 2, 2013. (Doc. 30)

	Current Date:	New Date:
1		
2	Non Expert Discovery Cut-Off	February 8, 2013
3	Expert Disclosure Date	February 25, 2013
4	Expert Disclosure Date	January 2, 2013
5	Disclosure of Rebuttal Experts	January 30, 2013
6	Last Hearing Date for Motions	March 15, 2013
7	Expert Discovery Cut-Off	March 15, 2013
8	Expert Discovery Cut-Off	February 15, 2013
9	Pretrial Conference	April 1, 2013
10		March 15, 2013
11		March 25, 2013
12		April 1, 2013
13		April 15, 2013 at 2:00 p.m.

14 The parties jointly request that the Court reset the date for the Pretrial Conference, currently set
15 for **March 18, 2013**, to a date of the Court's choosing **on or after April 1, 2013**. Per Eastern
16 District Local Rule 281, and this Court's previous instruction to the parties to file separate Pretrial
17 Statements (Docket No. 18), Plaintiff's Pretrial Conference Statement will be filed fourteen (14)
18 days prior to re-set date of the Pretrial Conference, and Defendant's Pretrial Conference
19 Statement will be filed seven (7) days prior to the re-set date of the Pretrial Conference.

20 Dated: January 2, 2013

21 By: /s/Erika M. Gaspar
22 LAWRENCE A. BOHM, ESQ.
23 ERIKA M. GASPAR, ESQ.
24 Attorneys for Plaintiff
25 SHAUN OWENS

26 Dated: December 14, 2012

27 By: /s/Rex Darrell Berry
28 REX DARRELL BERRY, ESQ.
BERRY & BLOCK LLP
Attorneys for Defendant
WALGREEN CO.

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ORDER

GOOD CAUSE APPEARING, the Court grants the parties' request to modify the Status (Pretrial Scheduling) Order in this matter as follows:

	Previous Date:	New Date:
Non Expert Discovery Cut-Off	February 8, 2013	February 25, 2013
Expert Disclosure Date	January 2, 2013	February 15, 2013
Disclosure of Rebuttal Experts	January 30, 2013	March 15, 2013
Last Hearing Date for Motions	March 15, 2013	March 25, 2013
Expert Discovery Cut-Off	February 15, 2013	April 1, 2013
Pretrial Conference	March 18, 2013	April 15, 2013 at 2:00 p.m.

IT IS SO ORDERED:

DATE: January 2, 2013.

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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