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9	UNITED STATES DISTRICT COURT						
11	EASTERN DISTRICT OF CALIFORNIA						
12							
13	SHAUN OWENS,	Case No. 2:12-CV-00419-WBS-AC					
14	Plaintiff,	STIPULATION AND ORDER TO MODIFY THE COURT'S					
15	V.	PRETRIAL SCHEDULING ORDER REGARDING DISCOVERY					
16	WALCREEN CO I DOES 1 100 in alexino	DEADLINES AND PRETRIAL CONFERENCE DATE					
17	WALGREEN CO.; and DOES 1-100, inclusive,	CONFERENCE DATE					
18	Defendant.						
19	Plaintiff, SHAUN OWENS, by and through his attorneys of record, Lawrance A. Bohm						
20	, , ,	,					
21	and Erika M. Gaspar and Defendant, WALGREEN CO., by and through their attorney of record						
22	Rex Darrell Berry, stipulate to modify the Court's Status (Pretrial Scheduling) Order (Doc. #18)						
23	of May 25, 2012, and October 1, 2012 Stipulation and Order Regarding Pretrial Dates (Doc #30)						
24	to extend certain discovery deadlines. This stipulation is made pursuant to Rule 16(b)(4) of the						
25	Federal Rules Civil Procedure, the local rules of the Eastern District of California, and the						
26							
27	SHAUN OWENS v. WALGREEN CO.	Lawrance A. Bohm, Esq.					
28	Case No. 2:12–CV–00419–WBS–JFM Stipulation and Order to Modify the Court's Pretrial Scheduling Order Regarding Discovery Deadlines and Pretrial Conference Date	Erika M. Gaspar, Esq.					

Standing Orders of this Court. Good cause exists to extend the dates for completion of certain discovery identified herein.

## I. EXISTENCE OF GOOD CAUSE

- 1. Good cause exists in that the parties are engaged in good faith efforts to resolve the pending litigation.
- 2. Good cause exists in that on September 20, 2012 Plaintiff properly served notice of depositions for Defendant's witnesses scheduled for dates in October, 2012. However, to accommodate the business needs of Defendant, a retail merchant, during the holidays, the trial schedule of Plaintiff's counsel and the parties' efforts towards resolution, Plaintiff has agreed to stay the taking of previously noticed depositions and certain other discovery until after December 31, 2012.
- 3. Good cause exists in that despite diligent efforts on the part of the parties to attempt to resolve their disputes, it has been determined that no further progress can be made until the deposition of one particular Defendant witness, a store manager, is taken. This witness is not available until January 15, 2013, and his deposition has been set to go forward on that date.
- 4. Good cause exists in that Plaintiff's counsel is in arbitration from January 21-29, 2013, in *Stout v. WM Group of Funds*, American Arbitration Association, Case No. 74-160-00575-06 ISCA.
- 5. Good cause exists in that the parties have agreed to go to mediation in this matter on January 31, 2013.
- 6. Good cause exists in that the current date for disclosure of experts and reports per Rule 26(a)(2) is January 2, 2013. (Doc. 30)

- 7. Good cause exists in that the current deadline for concluding all previously noticed depositions, and responding to all previously propounded written discovery is February 8, 2013. For purposes of this stipulation, that date is referred to as the "Non Expert Discovery Cut Off." The parties are not attempting by this stipulation to generally reopen discovery beyond the previously pending discovery described herein. Good cause also exists in that the current deadline for concluding all expert discovery is February 15, 2013 (Doc. 30). Counsel for the parties believe that the interests of justice and efficiency would be served by an Order granting the requested continuance. Accordingly, both counsel request modifications to the Court's Status (Pretrial Scheduling) Order so that both parties can adequately exhaust pretrial resolution efforts and yet still have adequate time to prepare for trial in this case. Notwithstanding this stipulation, the parties expressly reserve their rights to move the Court for additional discovery in the event they deem it necessary.
- 8. Neither party would be prejudiced by the requested extension of dates set forth herein, and counsel for the parties believe that the interests of justice and efficiency would be served by an Order granting the requested extension.
- 9. Although the parties' requested extension of time will require resetting the Pretrial Conference, currently set for **March 18, 2013**, the request does not include a request to continue the trial date, currently scheduled for **May 14, 2013**.

## II. REQUESTED MODIFICATIONS

Based upon the good cause set forth above, Plaintiff requests the following modifications to the Court's Status (Pretrial Scheduling) Order so that both parties can adequately prepare this case for trial currently scheduled for May 14, 2013:

1		Current Dat	e:	New Date:		
2	Non Expert Discovery Cut-Off	February 8, 2	013	February 25, 2013		
3	Expert Disclosure Date	January 2, 20	13	February 15, 2013		
4	Disclosure of Rebuttal Experts	January 30, 2	013	March 15, 2013		
5	Last Hearing Date for Motions	March 15, 20	13	March 25, 2013		
6	Expert Discovery Cut-Off	February 15,	2013	April 1, 2013		
7 8	Pretrial Conference	March 18, 20	13	April 15, 2013 at 2:00 p.m.		
9						
10	The parties jointly request that the Court reset the date for the Pretrial Conference, currently set					
11	for March 18, 2013, to a date of the Court's choosing on or after April 1, 2013. Per Eastern					
12	District Local Rule 281, and this Court's previous instruction to the parties to file separate Pretrial					
13	Statements (Docket No. 18), Plaintiff's Pretrial Conference Statement will be filed fourteen (14)					
14	days prior to re-set date of the Pretrial Conference, and Defendant's Pretrial Conference					
15	Statement will be filed seven (7) days prior to the re-set date of the Pretrial Conference.					
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18	Dated: January 2, 2013	By:	/s/Erika M. G	aspar		
19		LAWRANCE A. BOHM, ESQ. ERIKA M. GASPAR, ESQ.				
20			Attorneys for SHAUN OW	Plaintiff		
21			SHAONOW	ENS		
22						
23	Dated: December 14, 2012	By:	/s/Rex Darrel			
24			REX DARRE BERRY & B	ELL BERRY, ESQ. LOCK LLP		
25			Attorneys for WALGREEN			
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27	SHAUN OWENS v. WALGREEN CO.	4		Lawrance A. Bohm, Esq.		
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1	<u>ORDER</u>					
2	GOOD CAUSE APPEARING, the Court grants the parties' request to modify the Status					
3	(Pretrial Scheduling) Order in this matter as follows:					
4		Previous Date:	New Date:			
5						
6	Non Expert Discovery Cut-Off	February 8, 2013	February 25, 2013			
7	Expert Disclosure Date	January 2, 2013	February 15, 2013			
8	Disclosure of Rebuttal Experts	January 30, 2013	March 15, 2013			
9	Last Hearing Date for Motions	March 15, 2013	March 25, 2013			
10	Expert Discovery Cut-Off	February 15, 2013	April 1, 2013			
11 12	Pretrial Conference	March 18, 2013	April 15, 2013 at 2:00 p.m.			
13	IT IS SO ORDERED:					
14						
15	DATE: January 2, 2013.	ě				
16	auson Clane					
17	ALLISON CLAIRE UNITED STATES MAGISTRATE JUDGE					
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28	SHAUN OWENS v. WALGREEN CO. Case No. 2:12-CV-00419-WBS-IFM		Lawrance A. Bohm, Esq. Erika M. Gaspar, Esq.			

Case No. 2:12-CV-00419-WBS-JFM Stipulation and Order to Modify the Court's Pretrial Scheduling Order Regarding Discovery Deadlines and Pretrial Conference Date