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23 **UNITED STATES DISTRICT COURT**
24 **EASTERN DISTRICT OF CALIFORNIA**

25 KRIS ROBINSON,

26 Plaintiff,

27 v.

28 HD SUPPLY, INC., a corporation,
and DOES 1 through 50, inclusive.

Defendants.

Case No.: **2:12-CV-00604-GEB-CKD**

**STIPULATED PLAN TO COMPLETE
OUTSTANDING DISCOVERY**

Trial: February 25, 2014
Discovery Cutoff: July 23, 2013

WHEREAS the Court's Status (Pretrial Scheduling) Order in this matter (Docket #17) provides that all discovery is to be completed by July 23, 2013; and

WHEREAS on July 1, 2013, Plaintiff served on Defendant a Notice of Taking

1 Deposition Notice of Bruce Gagon, an employee of Defendant and a percipient witness in this
2 case; and

3 WHEREAS although Plaintiff's Deposition Notice scheduled the deposition for July 18,
4 2013 in Sacramento, California, Mr. Gagon currently resides in Washington State and is
5 unavailable for deposition until after August 1; and

6 WHEREAS Defendant wishes to depose an individual named Manuel "Randy" Jenkins,
7 who is a former employee of Defendant; and

8 WHEREAS the Parties have agreed on a plan to complete all outstanding discovery; and

9 WHEREAS the Parties wish to avoid wasteful pretrial activities, such as motions to
10 compel discovery, and believe that judicial economy is furthered and the burden on the Parties
11 and the Court are lessened by **STIPULATING AS FOLLOWS:**

12 1. Discovery shall remain open until August 30, 2013 for the purpose of completing the
13 deposition of Bruce Gagon.

14 a. Mr. Gagon's deposition will take place in Washington State, within 100
15 miles of his residence; and

16 b. Plaintiff will not request that Mr. Gagon produce documents at his deposition

17 2. Discovery shall remain open until August 30, 2013 for the purpose of completing
18 Mr. Jenkins' deposition.

19 a. Plaintiff does not have the ability to produce Mr. Jenkins for his deposition,
20 and will not by this stipulation be required to produce him.

21 3. Discovery shall remain open until August 30, 2013 for the purpose of completing the
22 deposition of Defendant's expert witness, Dr. Alan E. Brooker.

