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9 Attorneys for Defendant, TOTER, INC., sued and  
10 served herein as DOES 2, 22, 32, 42, 52 and 62

11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

13 MARIO ALBERTO ZARCO,  
14 Plaintiff,  
15 v.  
16 VECOPLAN, LLC and TOTER, INC.  
17 Defendant.

Case No. 2:12-CV-00826-GEB-CMK

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING EXPERT  
DISCLOSURE DEADLINE FROM  
MARCH 7, 2013 UNTIL APRIL 30, 2013  
AND REBUTTAL EXPERTS FROM  
APRIL 8, 2013 UNTIL MAY 31, 2013**

18 Plaintiff Mario Alberto Zarco and Defendants, Vecoplan, LLC and Toter, Inc., through  
19 their respective counsel, respectfully request a continuance of the expert disclosure deadlines due  
20 to the following.

**RECITALS**

21 1. On July 16, 2012, this Court entered its Status (Pre-trial Scheduling) Order that,  
22 among other things, provided that amendment would only be allowed by leave of Court with  
23 good cause shown.

24 2. The parties believe good cause exists for a brief continuance of the current March  
25 7, 2013, Expert Disclosure deadline and April 8 Rebuttal Expert Disclosure deadline. The parties  
26 have been engaged in liability, non-damages, and damages discovery that is on-going. This  
27 includes depositions that have been noticed to occur over the next few weeks, the scheduling of  
28 which has been difficult given that defendants reside out of state and the deponents' availability.

1 The parties have also stipulated to a vocational rehabilitation exam of plaintiff that is set for  
2 February 15, 2013 and anticipate setting plaintiff's deposition shortly thereafter. The parties need  
3 more time to complete this discovery and produce the necessary expert reports.

4 3. All parties agree that it is in the interests of justice and an efficient resolution of  
5 this case to extend the expert disclosure deadlines as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Initial Expert(s) Disclosures	March 7, 2013	April 30, 2013
Rebuttal Expert Disclosures	April 8, 2013	May 31, 2013

9 **STIPULATION**

10 Based on the foregoing recitals, the parties hereby STIPULATE that:

11 1. The deadline to submit Expert Disclosures is continued from March 7, 2013 to  
12 April 30, 2013, and rebuttal experts from April 8, 2013 until May 31, 2013.

13 2. This continuance of the deadline to submit Expert Disclosures will not affect any  
14 other deadlines in this action.

15 3. All remaining dates and deadlines as set by the Court in its July 16, 2012 Order,  
16 are otherwise unaffected by this Stipulation and Proposed Order.

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1           4.       By entering into this stipulation, none of the parties waive any rights or arguments  
2 that they may otherwise have with respect to their ability to request or oppose additional  
3 continuances in this action if necessary.

4 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

5 Dated: January 22, 2013

**LAW OFFICES OF MICHAEL T.  
SHEPHERD**

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By: /s/ MICHAEL T. SHEPHERD  
MICHAEL T. SHEPHERD, ESQ.,  
Attorneys for Plaintiff, MARIO  
ALBERTO ZARCO.

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Dated:

**KOELLER, NEBEKER, CARLSON  
& HALUCK, LLP**

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By: \_\_\_\_\_  
JOSEPH T. SPEAKER, ESQ., Attorneys  
for Defendant, VECOPLAN, LLC.

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Dated: January 22, 2013

**MATHENY SEARS LINKERT & JAIME, LLP**

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By: \_\_\_\_\_  
DOUGLAS A. SEARS, ESQ.,  
JEFFREY E. LEVINE, ESQ.,  
Attorneys for Defendant, TOTER, INC.

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21 **THE STIPULATION OF THE PARTIES IS APPROVED AND IT IS SO ORDERED.**

22 **Date: 1/24/2013**

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GARLAND E. BURRELL, JR.  
Senior United States District Judge

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