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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 CLOSE OF
DISCOVERY FROM AUGUST 7, 2013
UNTIL SEPTEMBER 30, 2013; MOTION
HEARING SCHEDULE FROM OCTOBER
7, 2013 UNTIL NOVEMBER 25, 2013;
FINAL PRE-TRIAL CONFERENCE
FROM DECEMBER 9, 2014 UNTIL
JANUARY 10, 2014**

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19 Plaintiff Mario Alberto Zarco and Defendants, Vecoplan, LLC and Toter, Inc., through
20 their respective counsel, respectfully request a continuance of the close of discovery, motion
21 hearing schedule, and final pre-trial conference deadlines due to the following.

22 **RECITALS**

23 1. On July 16, 2012, this Court entered its Status (Pre-trial Scheduling) Order that,
24 among other things, provided that amendment would only be allowed by leave of Court with
25 good cause shown. This case is currently set for trial on March 11, 2014.

26 2. The parties believe good cause exists for a brief continuance of the current August
27 7, 2013, close of Discovery and October 7, 2013 Motion Hearing Schedule. The parties recently
28 disclosed expert and rebuttal expert witnesses on April 30, 2013 and May 31, 2013, respectively.

1 After experts were disclosed the parties agreed to privately mediate this case. They have
2 subsequently chosen a mediator and are currently scheduling mediation in early August. The
3 parties are attempting to mediate this case prior to engaging in several expert depositions, and
4 potentially filing any motions with the Court.

5 3. In the event the Court grants the above request, the parties also believe good cause
6 exists for a brief continuance of the Final Pre-Trial Conference from December 9, 2013 until
7 January 10, 2014.

8 4. The brief continuance of the close of discovery, motion hearing schedule, and pre-
9 trial conference dates proposed herein would allow the parties to efficiently prepare for a
10 meaningful mediation (without having to first incur the fees and costs of deposing experts) and
11 would not alter the Court's current March 11, 2014 trial date.

12 5. Accordingly, all parties agree that it is in the interests of justice and an efficient
13 resolution of this case to extend the following deadlines:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
14 Close of Discovery	15 August 7, 2013	16 September 30, 2013
17 Motion Hearing Schedule	18 October 7, 2013	19 November 25, 2013
20 Final Pre-Trial Conference	21 December 9, 2013	22 January 10, 2014

23 **STIPULATION**

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

25 1. The close of discovery is continued from August 7, 2013 until September, 30,
26 2013.

27 2. The motion hearing schedule is continued from October 7, 2013 until November
28 25, 2013.

1 The final pre-trial conference is continued from December 9, 2013 until January
2 10, 2013.

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

5 ///

1 5. 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: June 19, 2013

**LAW OFFICES OF MICHAEL T.
SHEPHERD**

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

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10 Dated: June 19, 2013

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

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By: _____ /S/
JOHN C. PYTEL, ESQ.,
JOSEPH T. SPEAKER, ESQ.,
Attorneys for Defendant, VECOPLAN,
LLC.

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16 Dated: June 19, 2013

MATHENY SEARS LINKERT & JAIME, LLP

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By: _____ /S/
DOUGLAS A. SEARS, ESQ.,
JEFFREY E. LEVINE, ESQ.,
Attorneys for Defendant, TOTER, INC.

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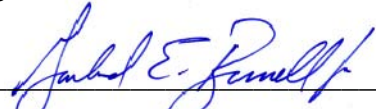
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22 **IT IS SO ORDERED.**

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24 The discovery completion date is continued to September 30, 2013. The last hearing date for law
25 and motion is continued to December 2, 2013, at 9:00 a.m. The pretrial conference is rescheduled
26 for January 13, 2014, at 1:30 p.m. A joint pretrial statement shall be filed seven days prior to the
27 hearing.

28 **Date: 6/20/13**



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

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