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12 **UNITED STATES DISTRICT COURT**

13 **EASTERN DISTRICT OF CALIFORNIA-SACRAMENTO DIVISION**

14

15 WILLIAM LANDES,

16 Plaintiff,

17 vs.

18 SKIL POWER TOOLS, a Division of
ROBERT BOSCH TOOL
19 CORPORATION, a Delaware
Corporation; ROBERT BOSCH TOOL
20 CORPORATION, a Delaware
Corporation; LOWES' HIW, INC., a
21 Washington Corporation; LOWE'S
COMPANIES INC., a Delaware
22 Corporation; and DOES 1 through 30,
INCLUSIVE,

23 Defendants.
24

CASE NO.: 2:12-CV-01252-MC-KJN

**STIPULATION RE: EXTENSION OF
TIME TO SUBMIT AMENDED
EXPERT DISCLOSURE**

ORDER

Hon. MORRISON C. ENGLAND, JR. ,
USDC Judge Presiding

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1 WHEREAS, on April 6, 2012, Plaintiff, WILLIAM LANDES, filed the instant
2 action in the California Superior Court in and for the County of San Joaquin, in an
3 action bearing San Joaquin Superior Court Action number 39-2012-00279152-CU-
4 PL-STK (the “Superior Court Action”);

5 WHEREAS, on or about May 10, 2012, Defendants ROBERT BOSCH TOOL
6 CORPORATION and LOWES’ HIW, INC., filed a “Notice of Removal to Federal
7 Court,” thereby removing the matter to the United States District Court, Eastern
8 District of California, where it was assigned its current Case No.: 2:12-CV-01252-
9 MC-KJN;

10 WHEREAS, the (initial) Pre-Trial Scheduling Order (“PTSO”) in this case
11 imposed a non-expert discovery cut-off of May 24, 2013, and a July 24, 2013,
12 deadline for designating experts. [PTSO, Dec. 20, 2012, ECF No. 37.];

13 WHEREAS, on or about November 7, 2013, Plaintiff moved to augment his
14 expert disclosure, or in the alternative to amend the pre-trial conference order to
15 allow Plaintiff to withdraw an expert and name a new expert witness (“Motion”)
16 [Mot., Nov. 7, 2013, ECF No. 47];

17 WHEREAS, on December 30, 2013, the Court granted the Motion [ECF Doc.
18 54] and thereafter issued an “Amended Pre-Trial Scheduling Order” [ECF Doc. 55],
19 which collectively permitted Plaintiff to supplement his expert witness disclosure to
20 permit the designation of Dr. Irving Ojalvo;

21 WHEREAS, the Amended Pre-Trial Scheduling Order [ECF Doc. 55]
22 provided that “The Amended Expert Witness Disclosure and accompanying written
23 report must be filed by Plaintiff within ninety (90) days of the filing of this Court’s
24 Dec. 30, 2013 Order (ECF No. 54)”;

25 WHEREAS, the Parties to this Action have been engaged in settlement
26 discussions which, if successful, could obviate the need for further expert disclosures
27 and result in dismissal of the within action;

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1 Now therefore, the parties, through their counsel agree and stipulate to the
2 following:

- 3 1. That Plaintiff may be permitted an additional two weeks, to and
4 including April 11, 2014, in which Plaintiff's counsel is to
5 designate in writing, file with the Court, and serve upon the other
6 parties the name, address, and area of expertise of each expert that
7 they propose to tender at trial, and to file with the Court and serve
8 upon counsel for all other parties the expert report of Dr. Ojalvo;
9 and
- 10 2. That within twenty (20) days after the designation of expert
11 witnesses, any party may designate a supplemental list of expert
12 witnesses who will express an opinion on a subject covered by an
13 expert designated by an adverse party.

14 **IT IS SO STIPULATED.**

15 Dated: March 24, 2014

TIEDT & HURD

17 By: _____

18 John E. Tiedt
19 Marc S. Hurd
20 Attorneys for Plaintiff,
WILLIAM LANDES

21 Dated: March 24, 2014

GORDON & REES, LLP

24 By: _____ /s/

25 Jack B. McCowan, Jr.
26 Attorneys for Defendants,
27 ROBERT BOSCH TOOL
CORPORATION
and LOWE'S HIW, INC.

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ORDER

Upon stipulation of the parties, and good cause appearing for the relief requested, it is hereby ORDERED as follows:

1. That Plaintiff shall be permitted an additional two weeks, to and including April 11, 2014, in which Plaintiff's counsel is to designate in writing, file with the Court, and serve upon the other parties an Amended Expert Witness Disclosure as explained in ECF No. 54, including the name, address, and area of expertise of each expert that they propose to tender at trial, and to file with the Court and serve upon counsel for all other parties the expert report of Dr. Irving Ojalvo; and
2. That within twenty (20) days after the designation of expert witnesses, any party may designate a supplemental list of expert witnesses who will express an opinion on a subject covered by an expert designated by an adverse party.

IT IS SO ORDERED.

Dated: March 27, 2014



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT