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12 Attorneys for Defendant ALMOND BOARD OF CALIFORNIA

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17 Attorney for Defendant TIM BIRMINGHAM

18
 19 **IN THE UNITED STATES DISTRICT COURT**
 20 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

21 SUSI MCFARLAND,)) 22 Plaintiff,)) 23 vs.)) 24 ALMOND BOARD OF CALIFORNIA; 25 TIM BIRMINGHAM, an individual; and 26 DOES 1-100, inclusive,)) 27 Defendants.) 28	Case No. 2:12-CV-02778-JAM-CKD STIPULATION AND ORDER CONTINUING DEADLINE TO COMPLETE ALL DISCOVERY
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1 WHEREAS the court issued a scheduling order (“order”) on or about May 16, 2013 (Doc.
2 30);

3 WHEREAS, pursuant to the order, the last day for the parties to exchange expert witness
4 information is **July 11, 2014** and supplemental disclosures and disclosure of any rebuttal experts
5 under Fed. R. Civ. P. 26(a)(2)(c) must be made be made by **July 25, 2014;**

6 WHEREAS the last day for the parties to complete all discovery is **September 12, 2014;**

7 WHEREAS not later than fourteen (14) days prior to the close of discovery, the parties must
8 file a “Joint Mid-Litigation Statements” summarizing all law and motion practice heard by the court,
9 along with other information;

10 WHEREAS all dispositive motions shall be filed by **October 22, 2014** and hearing on such
11 motions shall be on **November 19, 2014** at 9:30 a.m.;

12 WHEREAS the final pre-trial conference is set for **January 16, 2015** at 11:00 a.m.;

13 WHEREAS this matter is presently set for trial on **February 23, 2015** at 9:00 a.m.;

14 WHEREAS the parties have actively litigated this matter, including propounding and
15 responding to written discovery, have taken depositions and have filed certain discovery motions;

16 WHEREAS the parties attended a private mediation before Judge Cecily Bond at JAMS on
17 June 5, 2014 but did not resolve this matter;

18 WHEREAS the parties wish to take additional depositions;

19 WHEREAS Plaintiff’s counsel will be unavailable during the month of July 2014 and
20 Defendants have been on notice on such notice for a few months;

21 WHEREAS the parties may discuss resolution after the taking of additional depositions;

22 WHEREAS the parties wish to temporarily avoid incurring the expense of engaging in expert
23 witness discovery, including depositions;

24 WHEREAS the parties have jointly agreed and stipulated to respectfully request that this
25 Court grant an extension of time for the parties to complete discovery, excluding expert discovery,
26 by **October 13, 2014** and that the “Joint Mid-Litigation Statements” be filed fourteen (14) days prior
27 to this new deadline by which to complete discovery, or **October 13, 2014;**
28

1 WHEREAS the parties have jointly agreed and stipulated to respectfully request that this
2 Court grant an extension of time for the parties to complete expert discovery until after the filing
3 and ruling on any dispositive motions (Oct. 22nd and Nov. 19, 2014), but before the final pre-trial
4 conference set for **January 16, 2015**;

5 WHEREAS the parties request the court grant an extension to exchange expert witness
6 information by **December 10, 2014** and supplemental disclosures and disclosure of any rebuttal
7 experts under Fed. R. Civ. P. 26(a)(2)(c) by **January 7, 2015**, and all expert witness depositions
8 completed by **January 15, 2015**;

9 WHEREAS this request is not being made for the purpose of causing delay or for any other
10 improper purpose;

11 WHEREAS continuing the above-referenced deadlines will not prejudice any party or their
12 counsel; and

13 NOW, THEREFORE, IT IS HEREBY STIPULATED and agreed by Plaintiff and
14 Defendants, through their respective attorneys of record, that this court continue the deadline for the
15 parties to complete discovery by **October 13, 2014**, as set forth above, and expert discovery by
16 **January 15, 2015**, as agreed upon and requested by the parties.
17

18 Date: June 20, 2014

SHIMODA LAW CORP.

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20 By: /s/ Galen T. Shimoda
21 Galen T. Shimoda
22 Attorneys for Plaintiff
23 SUSI McFARLAND

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Date: June 19, 2014

SAGASER, WATKINS & WIELAND PC

By: /s/ Howard A. Sagaser
Howard A. Sagaser
(Approved on 6/19/2014)
Marcia A. Ross
Ian B. Wieland
Attorneys for Defendant
ALMOND BOARD OF CALIFORNIA

PROUT LEVANGIE

Date: June 19, 2014

By: /s/ Michael Baytosh
Michael Baytosh
(Approved on 6/19/2014)
Attorney for Defendant
TIM BIRMINGHAM

IT IS SO ORDERED.

Dated: 6/20/2014

/s/ John A. Mendez
John A. Mendez
U.S. DISTRICT COURT JUDGE