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17 Attorney for Defendant TIM BIRMINGHAM

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

SUSI MCFARLAND,)	Case No. 2:12-CV-02778-JAM-CKD
)	
Plaintiff,)	STIPULATION AND ORDER RE
)	DEADLINES FOR PARTIES TO MAKE
vs.)	EXPERT WITNESS DISCLOSURES
)	
ALMOND BOARD OF CALIFORNIA;)	
TIM BIRMINGHAM, an individual; and)	
DOES 1-100, inclusive,)	
)	
Defendants.)	
)	

1 WHEREAS, this matter is presently set for trial on February 23, 2015, at 9:00 a.m.; and
2 WHEREAS, pursuant to the parties' stipulation and the Court's approval of the parties'
3 stipulation on June 26, 2014, the parties must make expert witness disclosures by **December 10,**
4 **2014**, and supplemental disclosures and disclosure of any rebuttal experts under Fed. R. Civ. P.
5 26(a)(2)(c) by **January 7, 2015**, and all expert witness depositions completed by **January 15, 2015**,
6 (*see* Docs. 56 & 57); and

7 WHEREAS, Defendants Almond Board of California and Tim Birmingham filed motions for
8 summary judgment/summary adjudication on or about October 22, 2014, (*see* Docs. 64 & 65); and

9 WHEREAS, Defendants' summary judgment motions are set for hearing on December 17,
10 2014; and

11 WHEREAS, the parties understand the expense associated with hiring expert witnesses can
12 be substantial and would rather avoid incurring such expenses until the Court makes a determination
13 on the pending summary judgment motions; and

14 WHEREAS, this request is not being made for the purpose of causing delay or for any other
15 improper purpose; and

16 WHEREAS, continuing the above-referenced deadlines will not prejudice any party or their
17 counsel; and

18 NOW, THEREFORE, IT IS HEREBY STIPULATED and agreed by Plaintiff and
19 Defendants, through their respective attorneys of record, that:

- 20 • The parties may disclose expert witnesses at a date after the Court makes a ruling on
21 the pending summary judgment motions;
- 22 • In the event the Court sets a new trial date, the parties will make expert witness
23 disclosures no later than sixty (60) days before trial, and supplemental disclosures within thirty (30)
24 days after the initial expert disclosures are made.

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Date: December 8, 2014

SHIMODA LAW CORP.

By: /s/ Galen T. Shimoda
Galen T. Shimoda
Attorneys for Plaintiff
SUSI McFARLAND

Date: December 8, 2014

SAGASER, WATKINS & WIELAND PC

By: /s/ Marcia A. Ross
Marcia A. Ross
(Approved on 12/8/2014)
Howard Sagaser
Ian B. Wieland
Attorneys for Defendant
ALMOND BOARD OF CALIFORNIA

Date: December 8, 2014

LEVANGIE LAW GROUP

By: /s/ Sharon B. Futerman
(Approved on 12/8/2014)
Sharon B. Futerman
LeVangie Law Group
Attorney for Defendant
TIM BIRMINGHAM

IT IS SO ORDERED.

Dated: 12/9/2014

/s/ John A. Mendez

John A. Mendez
U.S. DISTRICT COURT JUDGE