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6	Attorneys for Defendant/Counter-Claimant LIGHTMAKER USA, INC.					
7	LIGHTWAKER USA, INC.					
8	UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA					
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10	FOR THE EASTERN DISTRICT OF CALIFORNIA					
11	COPART, INC.,	Case No.: 2:12-CV-	.02943-TI N_CKD			
12	Plaintiff,	Assigned for All Pur				
13	,	The Hon. Troy L. Nunley				
14	v. LIGHTMAKER USA, INC.,	Assigned for Discovery Purposes to: The Hon. Carolyn K. Delaney				
15	Defendant.		•			
16	Defendant.	STIPULATION AND ORDER THEREON TO AMEND SCHEDULING ORDER				
17						
18	AND RELATED COUNTERCLAIM.	Complaint Filed: Discovery Cutoff:	,			
19		Pretrial Conf.:	February 25, 2016			
20	Trial: April 25, 2016					
21	Plaintiff/Counter-Defendant COPART, INC. ("Copart") and Defendant/Counter-Claimant					
22	LIGHTMAKER USA, INC. ("Lightmaker"), by and through their respective attorneys of record,					
23	and pursuant to USDC EDCA Local Rules 143 and 144(d) and FRCP 16(b), hereby stipulate and					
24	agree as follows:					
25	WHEREAS, on or about June 12, 2014, this Court, pursuant to the Federal Rule of Civil					
26	Procedure ("FRCP") 16(b) and the FRCP 26(f) Conference Statement of the parties, issued a					
27	Scheduling Order setting the case for trial and establishing an initial February 8, 2016 trial date;					
28	WHEREAS, due to the complexity of the case and extensive discovery and voluminous					

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document production involved, on December 31, 2014 the Court, pursuant to a joint stipulation submitted by the parties, issued an Amended Pretrial Scheduling Order which extended various pretrial deadlines and reset the trial date to April 25, 2016;

WHEREAS, this is a complex case involving multiple claims and counter-claims, dozens of potential fact witnesses and experts, and which will require each side to spend significant time analyzing a voluminous amount of information before trial, including source code and other electronic materials;

WHEREAS, since the issuance of the Amended Pretrial Scheduling Order, the parties have worked diligently towards completing written discovery, which has enabled them to engage in a good faith settlement effort. The parties participated in formal mediation at Judicate West in San Francisco on May 4, 2015, which was conducted by The Honorable John (Leo) Wagner (Ret.). Both sides submitted and exchanged mediation briefs in advance and two Copart representatives traveled from Dallas, Texas and two Lightmaker representatives traveled from Orlando, Florida to attend the mediation;

WHEREAS, the case was not settled during the May 4, 2015 mediation session but the parties have continued their settlement dialogue. Judge Wagner issued a mediator's proposal after the May 4 session, which prompted further discussions between the parties. Such discussions are ongoing, as the parties continue to meet and confer over whether a resolution can be achieved.

WHEREAS, the parties have suspended all depositions which were duly noticed and scheduled to commence June 8, 2015, with the hopes that the substantial time and expense that would be incurred preparing for, traveling to, and taking and defending these depositions might be avoided if the matter resolves. The parties stipulate and agree that they are unable to simultaneously exhaust settlement efforts and engage in costly and time-intensive depositions;

WHEREAS, the Amended Pretrial Scheduling Order includes a July 2, 2015 discovery cut-off and an August 13, 2015 deadline for expert disclosures;

WHEREAS, the parties are especially reluctant to expend further time and resources litigating the action under these circumstances and while they are seriously evaluating the merits of pre-trial resolution;

WHEREAS, the parties have acted with diligence in trying to adhere to the current pretrial deadlines but are making this request to the Court for modification of the current scheduling order because absent an extension, the parties will have no choice but to immediately commence depositions and have experts work in earnest on their respective Rule 26 Reports;

WHEREAS, neither party will be prejudiced by a three-month continuance of the current trial date and related pretrial deadlines; and

WHEREAS, there has been one previous request that the Court amend the scheduling order to extend the fact discovery deadline, expert disclosure deadline, and dispositive motion deadline; this is the first time the parties have asked the Court to continue the trial date.

NOW THEREFORE, the parties, through their respective counsel, jointly propose and stipulate to the following:

The deadlines in the Amended Pretrial Scheduling Order previously set forth by the Court shall be revised as follows, or set on such other dates as the Court determines:

Event	Current Date	Proposed New Date
Fact Discovery Cut-Off Date	July 2, 2015	October 29, 2015
Expert Disclosures and Reports	August 13, 2015	December 10, 2015
Rebuttal Expert Disclosures	September 2, 2015	December 30, 2015
Dispositive Motion Hearing Cut-Off	November 19, 2015	March 10, 2016
Final Pre-Trial Conference	February 25, 2016	June 16, 2016
Trial	April 25, 2016	August 15, 2016

IT IS FURTHER STIPULATED and AGREED between the parties that all other provisions of the Amended PreTrial Scheduling Order of December 31, 2014 shall remain in effect. This Stipulation may be signed in counterparts and any facsimile or electronic signature shall be valid as an original signature.

IT IS SO STIPULATED.

1	DATED: June 11, 2015 LERMAN	N POINTER & SPITZ LLP
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3		rtis P. Holdsworth (authorized on 6/2/15) ΓΙS P. HOLDSWORTH, ESQ.
4	Attorr	neys for Plaintiff/Counter-Defendant
5	COPA	ART, INC.
6		
7	DATED: June 11, 2015 PORTER	SCOTT ESSIONAL CORPORATION
8	ATROTT	ESSIONAL CORTORATION
9		evin M. Kreutz
10		D TAPP, ESQ. IN M. KREUTZ, ESQ.
11	Attorn	neys for Defendant/Counter-Claimant TMAKER USA, INC.
12	Lion	IMAKER USA, INC.
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STIPULATION AND ORDER THEREON TO AMEND SCHEDULING ORDER

ORDER

FOR GOOD CAUSE SHOWN, and pursuant to the Stipulation of the parties, the deadlines in the Scheduling Order previously set forth by the Court are revised as follows:

Date Per Original

Scheduling Order

July 2, 2015

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Event

Cut-Off

Expert Disclosures and Reports:

August 13, 2015

December 10, 2015

Rebuttal Expert Disclosures

September 2, 2015

December 30, 2015

Dispositive Motion Hearing

November 19, 2015

March 10, 2016

 14
 Final Pre-Trial Conference
 February 25, 2016
 June 16, 2016

 15
 April 25, 2016
 August 15, 2016

IT IS SO ORDERED.

Fact Discovery Cut Off Date

Dated: June 11, 2015

Troy L. Nunley

United States District Judge

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Extended Date Per Amended

Scheduling Order

October 29, 2015