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7 Attorneys for Defendant
 OMNICARE, INC., a corporation

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

11 DARLENE ERVIN,) Civ. No. 2:13-cv-0146-MCE-KJN
 12)
 Plaintiff,)
 13) **JOINT STIPULATION TO EXTEND**
 vs.) **DISCOVERY CUT OFF BY 90 DAYS;**
 14) **ORDER THEREON**
 OMNICARE, INC., a corporation,)
 15)
 Defendant.)
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1 Pursuant to Rule 16 of the Federal Rules of Civil Procedure, Local Rule 6-144, and this
2 Court's Initial Scheduling Order, Plaintiff Darlene Ervin ("Plaintiff" or "Ervin") and Defendant
3 Omnicare, Inc. ("Defendant" or "Omnicare") (together, "the Parties"), through their respective
4 counsel of record, hereby stipulate that the Parties would benefit from an extension of the discovery
5 cut off in this action, and therefore respectfully request that this Court issue an order extending the
6 time to complete discovery. In support of their Stipulation, the Parties state as follows:

7 WHEREAS, This Court's Initial Scheduling Order sets the deadline for discovery cut off in
8 this case at three hundred and sixty five days from the date of the Second Amended Complaint.
9 (ECF 48);

10 WHEREAS, The Second Amended Complaint was served on January 10, 2017 (ECF 46),
11 making the discovery cut off in this case January 10, 2018;

12 WHEREAS, The Parties have been actively engaged in discovery in this matter, endeavoring
13 to complete discovery before the Court's deadline. Defendant served Special Interrogatories and
14 Requests for Production. Plaintiff responded to those Requests, and is in the process of locating and
15 producing responsive documents. Plaintiff served Special Interrogatories, Requests for Production
16 and Requests for Admission. Defendant responded to those Requests, and the Parties have been
17 meeting and conferring over the scope of those requests while Defendant is in the process of rolling
18 out production of documents. Defendant's document production has taken the parties longer than
19 they anticipated while they negotiated a stipulated protective order; have met and conferred over
20 perceived deficiencies; and while Plaintiff and Defendant worked to resolve a technical issue that
21 prevented Plaintiff from being able to access Defendant's electronic production;

22 WHEREAS, the Parties also noticed depositions, with the intention of completing the process
23 before the discovery cut off. Defendant has noticed Plaintiff's deposition; and Plaintiff has noticed
24 the deposition of various Omnicare witnesses. Due to the delay in document production, however,
25 these depositions could not be noticed until recently;

1 Dated: December 1, 2017

THYBERGLAW

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4 By: /s/ Gregory A. Thyberg (as authorized Dec. 1, 2017)
5 Gregory A. Thyberg
6 Attorneys for Plaintiff
7 DARLENE ERVIN

8 IT IS SO ORDERED.

9 Dated: December 4, 2017

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11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
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