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10 Attorney for Defendant and Counter-Claimant  
 11 AUTOMATED GAMING TECHNOLOGIES, INC.,  
 and Defendants JOHN B. PRATHER and ROBERT  
 12 MAGNANTI

13  
 14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA

16  
 17 KEITH R. CLAYTON,  
 Plaintiff,  
 18 vs.  
 19 AUTOMATED GAMING TECHNOLOGIES,  
 INC. , a Nevada corporation, et al.  
 20 Defendants.  
 21  
 22 AUTOMATED GAMING TECHNOLOGIES,  
 INC. , a Nevada corporation,  
 23 Counter-Claimant,  
 24 vs.  
 25 KEITH R. CLAYTON,  
 26 Counter-Defendant.

Case No. 2:13-cv-00907-JAM-EFB

**STIPULATION TO FURTHER  
 MODIFY FIRST AMENDED STATUS  
 (PRE-TRAIL SCHEDULING)  
 ORDER**

**ORDER THEREON  
 (AS MODIFIED BY THE COURT)**

1 Plaintiff and counter-defendant Keith R. Clayton (“plaintiff”) and defendant and  
2 counter-claimant Automated Gaming Technologies, Inc. (“AGT”), and defendants John Prather  
3 (“Prather”) and Robert Magnanti (“Magnanti”) (AGT, Prather and Magnanti being hereinafter  
4 collectively referred to as “defendants”), respectfully submit this Stipulation and Proposed  
5 Order requesting the Court to modify, in the respects set below, the Court’s 1st Amended Status  
6 (Pre-trial Scheduling) Order (Docket No. 84), as modified by the Court’s Order modifying said  
7 Order entered herein on September 15, 2014 (Docket No. 148), and in support of said request  
8 submit the following demonstrating good cause for the parties’ request, as required by  
9 Fed.R.Civ. P 16 (b):

10 1. On March 19, 2015, after a hearing on March 11, 2015, the Court entered its “Order  
11 Granting Downey Brand LLP’s Motion to Withdraw as Counsel for Defendant and Counter-  
12 Claimant, Automated Gaming Technologies, Inc., and Defendants, John B. Prather and Robert  
13 Magnanti” (the “Withdrawal Order,” Docket No. 197), effective immediately as to Prather and  
14 Magnanti, and effective April 10, 2015 as to AGT, but Downey Brand, LLP was in the interim  
15 relieved of any duty to represent AGT other than in connection with a settlement conference set  
16 for March 30, 2015.

17 2. In the Withdrawal Order, the Court, effective March 11, 2015, stayed all discovery  
18 and discovery motions for 30 days, until April 10, 2015, and stated that it would, upon  
19 application, grant a reasonable extension of current April 15, 2015 discovery cut-off. On  
20 March 11, 2015, plaintiff had pending two motions to compel, a Motion to Compel Defendant  
21 AGT to Produce Document Pursuant to Plaintiff’s Fourth Document Request (Docket No. 185),  
22 and a Motion to Compel Defendant AGT to Produce Document Pursuant to Plaintiff’s Fifth  
23 Document Request (Docket No. 189), set for hearing on April 8, 2015. By reason of the  
24 Withdrawal Order, Magistrate Judge Breenan on March 26, 2016 entering a Minute Order  
25 (Docket No. 198) denying those motions without prejudice, and vacating the April 8, 2015  
26 hearing date.

27 3. Downey Brand LLP’s motion to withdraw first came on for hearing on February 11,  
28

1 2015, and was denied without prejudice at that time,, and the Court then set a status conference  
2 for March 11, 2015, and ordered Prather and Magnanti to then personally appear (see Docket  
3 No. 186). In opposition to the said motion to withdraw, plaintiff had submitted on January 28,  
4 2015 a Declaration of his counsel (Docket No. 180) listing nine (9) depositions plaintiff  
5 planned to take by early March, 2015, as to which plaintiff's counsel had, on January 22, 2015,  
6 requested agreeable dates from defendants' counsel. At the hearing on February 11, 2015 the  
7 Court advised plaintiff's counsel not to proceed with other than the depositions of Prather and  
8 Magnanti prior to the hearing set for March 11, 2015. Plaintiff took the deposition of Prather on  
9 March 10, 2015. Plaintiff also took the deposition of Magnanti, originally noticed for March  
10 10, reset by stipulation to the afternoon of March 11, and then postponed by reason of the  
11 Withdrawal Order, on April 17, 2015 (as specially permitted by the terms of the Withdrawal  
12 Order).

13 4. On April 10, 2015, the Burgoyne Law Group, by Henry M Burgoyne, III, Esq., filed  
14 Notice of Appearance as attorney for AGT, Prather and Magnanti.

15 5. Plaintiff's counsel, Mr. Premo, and defendants' new counsel, Mr. Burgoyne, have  
16 met and conferred, and agreed that in consideration of all of the foregoing, an extension of the  
17 April 15, 2015 discovery cut-off, and all dates after April 15, 2015 set forth in the Court's 1st  
18 Amended Status (Pre-trial Scheduling) Order (Docket No. 84), as modified by the Court's  
19 Order modifying said Order entered herein on September 15, 2014 (Docket No. 148), for a  
20 period of approximately five and one-half months from the dates set forth in the said Order of  
21 September 15, 2014 is reasonable and agreeable, and good cause exists therefor.

22 In consideration of the foregoing, the parties stipulate and request that the 1st Amended  
23 Status (Pre-trial Scheduling) Order be modified as follows:

24 Discovery Cut-Off: October 2, 2015

25 Dispositive motion filing: November 4, 2015

26 Dispositive motion hearing: December 16, 2015 at 9:30 a.m.

27 Joint pretrial statement: January 20, 2016

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1 Final Pretrial Conference: January 27, 2016 at 11:00 a.m.

2 Trial: February 29, 2016 at 9:00 a.m.

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5 /s/ Gilbert J. Premo Dated: May 15, 2015

6 GILBERT J. PREMO  
7 Attorney for Plaintiff and Cross-Defendant  
8 KEITH R. CLAYTON

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9 BURGOYNE LAW GROUP

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10 By /s/ Henry M. Burgoyne Dated: May 14, 2015

11 Henry M. Burgoyne, III  
12 Attorney for Defendant and Cross-Complainant  
13 Automated Gaming Technologies, Inc. and  
14 Defendants John B. Prather and Robert Magnanti

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14 **ORDER (AS MODIFIED BY THE COURT)**

15 Based on the stipulation of the parties, and finding good cause therefor, IT IS HEREBY

16 ORDERED that the 1st Amended Status (Pre-trial Scheduling) Order be modified as follows:

17 Discovery Cut-Off: October 2, 2015

18 Dispositive motion filing: November 4, 2015

19 Dispositive motion hearing: December 16, 2015 at 9:30 a.m.

20 Joint pretrial statement: January 22, 2016

21 Final Pretrial Conference: January 29, 2016 at 11:00 a.m.

22 Trial: March 7, 2016 at 9:00 a.m.

23 IT IS SO ORDERED.

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25 DATED: May 15, 2015

26 /s/ John A. Mendez  
27 JOHN A. MENDEZ  
28 UNITED STATES DISTRICT COURT JUDGE

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