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18 **UNITED STATES DISCTRICT COURT**
 19 **EASTERN DISCTRICT OF CALIFORNIA**

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21 KEITH R. CLAYTON)	Case No. 2:13-cv-00907-JAM-EFB
)	
)	
22 Plaintiff,)	
)	
23 v.)	STIPULATION AND ORDER TO
)	FURTHER MODIFY FIRST AMENDED
)	STATUS (PRE-TRIAL SCHEDULING)
)	ORDER; ORDER THEREON
24 AUTOMATED GAMING TECHNOLOGIES,)	
25 INC., a Nevada corporation, and DOES 1)	
26 through 50, inclusive,)	
)	
27 Defendants.)	
28)	
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AND RELATED CROSS-ACTIONS)	
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29 Plaintiff KEITH R. CLAYTON (“Plaintiff”) and Defendants AUTOMATED GAMING
 30 TECHNOLOGIES, INC. (“AGT”), JOHN B. PRATHER (“Prather”) and ROBERT MAGNANTI
 31 (“Magnanti”) (collectively “Defendants”) respectfully submit this Stipulation and [Proposed] Order
 32 to Further Modify the 1st Amended Status (Pre-Trial Scheduling) Order (Docket No. 84), entered

1 herein on January 29, 2014, as modified by the court's May 15, 2015 Order Amending the Status
2 Order (Docket No. 202), only to extend the discovery cut-off for 21 days. In support of this
3 Stipulation, the parties submit the following demonstrating good cause for the parties' request, as
4 required by Fed. R. Civ. P. 16(b):

5 1. Since the time of entry of the court's May, 2015 order establishing the current discovery
6 cutoff date, Donahue Davies, LLP substituted into this case as counsel for AGT on June 30, 2015.
7 Donahue Davies has thus been in this case for approximately 3 months and has been working to
8 complete outstanding discovery and resolve the pending discovery disputes in this case. This case
9 involves over 200,000 pages of document production and a number of complex issues, and it has
10 taken substantial time for Defendants' counsel to get up to speed on all relevant factual and
11 discovery issues. This has delayed the progress of discovery activities along the previously
12 established pre-trial schedule.

13 2. Plaintiff's counsel has noticed the depositions of 5 of AGT's employees for the last
14 two weeks of September. However, Defendants' counsel, James R. Donahue, is scheduled to
15 commence trial on September 22, 2015, in the matter of *Johnson v. Century 21 Real Estate*, Case
16 No. 34-2010-00092966, in Sacramento County Superior Court. This trial is expected to last 7-10
17 days, and will effectively render Mr. Donahue unavailable for the final two weeks of discovery in
18 this matter. Additionally, Donahue Davies is also commencing trial on September 21, 2015 in the
19 matter of *Keating v. Heryford*, Case No. 10CV118, in Trinity County Superior Court. Further, these
20 AGT employees are all located out of state, in Nevada and Kansas. AGT has agreed to produce these
21 individuals in California for the mutual convenience of the parties in this case. However, arranging
22 travel and working with the schedules of these individuals has resulted in a delay in the ability to
23 move forward with the noticed depositions prior to the current discovery cutoff date.

24 3. There are a number of pending discovery issues related to the production of financial
25 information and records, Plaintiff has filed two motions to compel related his Fourth and Fifth
26 Requests for Production of Documents. These motions are set to be heard on September 23, 2015.
27 Plaintiff's counsel anticipates taking the deposition of 5 AGT employees, and potentially deposing 3
28

1 ex-employees of AGT. Defendants' counsel also intends to depose the Plaintiff. In addition to the
2 discovery still pending, the parties intend to conduct further settlement negotiations, and are
3 scheduling a mediation in the very near future to see if they can resolve this matter.

4 4. For these reasons, the parties believe that a short 21 day continuance of the discovery
5 cutoff date will allow for the completion of the outstanding discovery with no prejudice to the parties
6 or delay in the case's management and scheduling. In consideration of the foregoing, the parties
7 stipulate and request that the 1st Amended Status (Pre-trial Scheduling) Order be modified to
8 provide that the Discovery Cut-Off is October 23, 2015.

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10
11
12 DATED: September 14, 2015

DONAHUE • DAVIES LLP

13 By: /s/ Rebekah A. Morrissey

14 JAMES R. DONAHUE
15 REBEKAH A. MORRISSEY
Attorneys for Defendants

16 DATED: September 14, 2015

17 By: /s/ Gilbert J. Premo

18 GILBERT J. PREMO
19 Attorney for Plaintiff
20 KEITH R. CLAYTON

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ORDER

Based on the stipulation of the parties, and finding good cause therefor, IT IS HEREBY ORDERED that the 1st Amended Status (Pre-trial Scheduling) Order is hereby modified to provide that the Discovery Cut-Off shall be October 23, 2015. All other dates set forth in the Court's Order of May 15, 2015 shall remain the same, to wit:

Dispositive motion filing: November 4, 2015
Dispositive motion hearing: December 16, 2015 at 9:30 a.m.,
Joint pretrial statement: January 22, 2016
Final Pretrial Conference: January 29, 2016 at 11:00 a.m.,
Trial: March 7, 2016 at 9:00 a.m

IT IS SO ORDERED.

DATED: September 14, 2015

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