

MUSICK, PEELER & GARRETT LLP

ATTORNEYS AT LAW
 ONE WILSHIRE BOULEVARD, SUITE 2000
 LOS ANGELES, CALIFORNIA 90017-3383
 TELEPHONE 213-629-7600
 FACSIMILE 213-624-1376

David A. Tartaglio (State Bar No. 117232)

Cheryl A. Orr (State Bar No. 132379)

Chad A. Westfall (State Bar No. 208968)

Attorneys for Plaintiff RSUI INDEMNITY COMPANY

**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA**

RSUI INDEMNITY COMPANY,

Plaintiff,

vs.

DISCOVER P&C INSURANCE CO.;
 DISCOVER-RE MANAGERS, INC.; and
 DOES 1 through 20, inclusive,

Defendants.

CASE No. 2:13-CV-00960-TLN-EFB

**STIPULATION TO EXTEND
 DISCOVERY CUTOFF AND EXPERT
 DISCLOSURE DATES
 AND ORDER**

WHEREAS the Court's *Pretrial Scheduling Order* [Dkt 38] referred this matter to the Court's Voluntary Dispute Resolution Program;

WHEREAS the VDRP Administrator has appointed four (4) different VDRP Neutrals [Dkt. 39, 41, 44 and 48] over the last four months and had to withdraw all of those appointments for various reasons not attributable to the parties [Dkt. 40 (neutral calendar too full), 43 (neutral did not respond to communications from court), 45 (neutral had conflict of interest) and 49(neutral retired)];

WHEREAS Plaintiff RSUI Indemnity Company ("RSUI") and Defendant Discover P&C Insurance Co. ("DPCIC") had not anticipated these difficulties in selecting a mediator when they stipulated to the VDRP program and provided their Joint Status Report [Dkt 35] to the Court

1 regarding the pre-trial schedule;

2 WHEREAS the Court's *Pretrial Scheduling Order* [Dkt 38] provides all discovery
3 in this matter shall be completed by February 17, 2017, expert designations and Rule 26(a)(2)(B)
4 reports are to be made no later than April 20, 2017, and rebuttal experts are to be designated no
5 later than 20 days after the designation of experts;

6 WHESEAR RSUI and DPCIC have conducted a substantial amount of written
7 discovery, but would like to opportunity to complete the VDRP mediation before incurring all the
8 expense required to complete discovery, designate experts and designate rebuttal experts;

9 WHEREAS a six week extension of the discovery cutoff and expert designation
10 dates should allow the parties to explore settlement and potentially avoid the expense of
11 completing discovery designation of experts;

12 WHEREAS the extension will not otherwise impact the Court's *Pretrial*
13 *Scheduling Order* or the trial date;

14 WHEREAS the Parties have not previously sought any extension of the discovery
15 cutoff date, the expert designation date or the rebuttal expert designation date;

16 NOW, THEREFORE, pursuant to Eastern District Local Rules 143 and 144, THE
17 PARTIES HEREBY STIPULATE, by and through their attorneys of record and subject to the
18 Court's approval, that (1) the February 17, 2017 discovery cutoff date in the *Pretrial Scheduling*
19 *Order* be extended to **April 1, 2017**; (2) the April 20, 2017 expert designation be extended to **May**
20 **1, 2017**, and (3) the date for designation of rebuttal experts be extended to **May 20, 2017**.

21
22 Dated: January 18, 2017

MUSICK, PEELER & GARRETT LLP

/s/

23
24 By: _____

CHAD A. WESTFALL
Attorneys for Plaintiff
RSUI INDEMNITY COMPANY

25
26
27 Dated: January 18, 2017

CARLSON, CALLADINE & PETERSON LLP

/s/

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: _____
ROBERT M. PETERSON

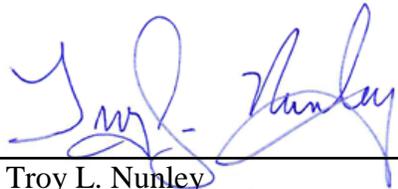
Attorney for Defendants
DISCOVER PROPERTY & CASUALTY
INSURANCE COMPANY and DISCOVER-
RE MANAGERS, INC.

I, Chad A. Westfall, am the ECF user whose ID and password are being used to file this
STIPULATION TO EXTEND DISCOVERY CUTOFF AND EXPERT DISCLOSURE DATES. I
hereby attest that the counsel whose e-signature appears above has concurred with this filing.

By: /s
_____ CHAD A. WESTFALL

IT IS SO ORDERED.

DATED: January 19, 2017



Troy L. Nunley
United States District Judge