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22 BUONA VITA, INC., a New Jersey
23 corporation

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

18 VALLEY FINE FOODS
19 COMPANY, INC. a California
20 corporation,

21 Plaintiff,

22 v.

23 BUONA VITA, INC., a New Jersey
24 corporation and DOES 1 through 10,

25 Defendants.

Case No. 2:13-CV-01356-CKD

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1 hand and Defendant BUONA VITA, INC. (hereinafter “BV”) on the other hand
2 (Plaintiff and Defendant hereinafter collectively referred to as the “PARTIES”)
3 with respect to the following recital of fact:

4 **RECITALS:**

- 5 1. The discovery cutoff for non-expert discovery is now set for July 8, 2015,
6 based upon the Revised Court’s Scheduling Order dated January 27, 2015
7 (Docket No. 16).
- 8 2. The case is set for trial January 11, 2016 in courtroom No. 24 before
9 United States Magistrate Judge Carolyn K. Delaney
- 10 3. The Pre-Trial Conference is set for November 4, 2015 at 11:00 a.m. in
11 courtroom No. 24 before United States Magistrate Judge Carolyn K.
12 Delaney.
- 13 4. The PARTIES have met and conferred over depositions of Parties, party-
14 affiliated witnesses and third-party witnesses and it appears that due to the
15 location of various witnesses and their status as former employees, as well
16 as the location of various third-party fact witnesses in the Mid-West, it
17 will be impossible to conduct all necessary depositions before the non-
18 expert discovery cutoff, currently set for July 8, 2015 (See Declaration of
19 Michael C. Robinson, ¶ 2. filed herewith and incorporated by reference
20 herein.)
- 21 5. Plaintiff is in negotiation with Defendant to arrange for key/employee
22 party affiliates witnesses located in and around New Jersey, as well as
23 multiple categories of Persons Most Knowledgeable depositions of
24 Defendant BV, whose relevance has become apparent during the recent
25 completion of depositions of Plaintiff’s officers and employees in Walnut
26 Creek, California. This will require meetings between defense counsel
27 and the deponents in advance of any depositions to inquire as to the scope
28 of areas of responsibility regarding areas of testimony in the Rule 30(b)(6)

1 deposition and further negotiation to possibly consolidate witnesses as the
2 persons most qualified in more than one area of responsibility.

3 6. The PARTIES have met and conferred and agree that it makes sense to
4 request that the Court extend all discovery cutoff by 45 days, while
5 maintaining other dates at the continued convenience to the Court's
6 schedule, to allow sufficient discovery and trial preparation.
7 7. The PARTIES continue to discuss the potential for settlement discussion
8 in advance of the Pre-Trial Conference date, but must complete non-
9 expert discovery before settlement discussions can be fruitful.
10 8. The current case schedule and the proposed new dates are as follows:

11 **July 8, 2015:** Non-Expert Discovery Completion Date (proposed new
12 date: August 24, 2015);

13 **July 24, 2015:** Plaintiff's Expert Disclosures Completed (proposed new
14 date: September 7, 2015);

15 **August 5, 2015:** Defendant's Expert Disclosures Completed (proposed new
16 date: September 21, 2015);

17 **August 13, 2015:** Rebuttal Expert Disclosures Completed (proposed new
18 date: September 28, 2015);

19 **September 11, 2015:** Expert discovery Completed (proposed new date:
20 October 28, 2015);

21 All other dates to remain as set forth in the Court's Revised Scheduling
22 Order.

23 **IT IS STIPULATED AND AGREED:**

24 1. The PARTIES respectfully request that the Court continue the dates as set
25 forth above but to maintain all other dates previously set by the Court in
26 the Revised Court Scheduling Order.
27 2. No PARTY will use this continuance as a basis for seeking a further
28 continuance of any other pretrial deadline or the trial of this matter.

1
2 Dated: June 1, 2015

ROBINSON DI LANDO

3
4 By:

5 Michael Robinson
6 George K. Rosenstock
7 Attorneys for Plaintiff, VALLEY FINE
8 FOODS COMPANY, INC.

9
10 Dated: June 1, 2015

11 ARCHER NORRIS

12 By:

13 Todd A. Jones
14 Attorneys for Defendant BUONA VITA,
15 INC.

16 IT IS SO ORDERED.

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18 Dated: June 5, 2015

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22 CAROLYN K. DELANEY
23 UNITED STATES MAGISTRATE JUDGE
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