

Pursuant to Federal Rule of Civil Procedure, Rule 26(f) and Local Rule 143, Plaintiff Carolina Casualty Insurance Company, Third Party Plaintiff Oahu Air Conditioning Service, Inc. dba Oahu Air Conditioning Co. ("Oahu"), Defendant Pacific Commercial Services, LLC, and Third Party Defendants Clean Harbors Environmental Services, Inc., Smith Systems Transportation, Inc., Google Inc. ("Google"), Kaiser Permanente Ventures, LLC ("Kaiser"),¹ Foothill-De Anza Community College District ("Foothill"), and Test America Laboratories, Inc. ("Test America") (collectively, the "Parties"), by and through their respective counsel of record, hereby stipulate and agree and seek a court order as follows:

RECITALS

WHEREAS the Complaint in this Action was filed on July 8, 2013 and a First Amended Complaint was filed on November 1, 2013;

WHEREAS Oahu filed a Third Party Complaint in the Action on February 25, 2014;

WHEREAS the Court conducted a Status (Pretrial Scheduling) Conference on March 31, 2014 and subsequently issued a Status (Pretrial Scheduling) Order on April 3, 2014 (the "April 3 Status Order") [Dkt. No. 47], which set the date for Federal Rule of Civil Procedure 26(a)(1) Initial Disclosures as May 2, 2014, and set the trial date in this Action for January 12, 2016;

WHEREAS the Court subsequently modified the April 3 Status Order on March 18, 2015 [Dkt. No. 121] and, most recently, entered an Order Granting Oahu's Ex Parte Application for an Order Modifying the March 18, 2015 Status (Pretrial Scheduling) Order, and for Continuance of the Trial Date and All Other Deadlines [Dkt. No. 146], and the new trial date is now October 12, 2016;

¹. Kaiser Permanente Ventures, LLC asserts that it is not the correct defendant based on the acts and/or omissions stated in the Third Party Complaint, and is not intending to waive any rights, remedies or defenses with respect to whether it is a proper party by this stipulation for an extension of time to respond.

WHEREAS Oahu filed a First Amended Third Party Complaint on April 28, 2015;

WHEREAS, Foothill was served with the First Amended Third Party Complaint on May 13, 2015 and filed a Motion to Dismiss on June 3, 2015 [Dkt. No. 151], which is currently scheduled to be heard on July 13, 2015;

WHEREAS the Federal Rules of Civil Procedure, Rule 26(a)(1)(D) require that parties joined after the Rule 26(f) conference must make their initial disclosures within 30 days after being served or joined, unless a different time is set by stipulation or court order, which would require Foothill to serve its Rule 26(a)(1) disclosures by Friday, June 12, 2015, absent stipulation or order;

WHEREAS the Parties understand and agree that sufficient time should be allowed for the Court to consider Foothill's Motion to Dismiss and for Foothill to investigate the facts, issues, claims, documents and witnesses regarding the alleged July 11, 2011 incident; to review the two years of pleadings already filed in the case and the discovery already undertaken by and between other parties; to undertake other preliminary steps in connection with the defense of the claims against Foothill and that said efforts should be allowed to be undertaken before Foothill is required to serve Rule 26(a)(1) Initial Disclosures;

WHEREAS Foothill has requested a 90-day extension of time, to and including September 10, 2015, by which to serve its Rule 26(a)(1) Initial Disclosures in this Action and the Parties agree that such extension is reasonable and appropriate under the circumstances; and

WHEREAS Foothill would be prejudiced absent the requested extension, but no other party will be prejudiced if it is granted.

NOW THEREFORE, the Parties, and each of them, enter into the following Stipulation.

STIPULATION

1. The Recitals are hereby incorporated by reference in this Stipulation.
2. The Parties hereby stipulate and agree to an extension of 90 days, to and including September 10, 2015, by which Foothill shall serve its Federal Rule of Civil Procedure Rule 26(a)(1) Initial Disclosures in this Action.

Dated: June 10, 2015

CHOLAKIAN & ASSOCIATES

/s/ Kevin Cholakian
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Third Party Defendant SMITH SYSTEMS
AND TRANSPORTATION, INC.

Dated: June 9, 2015

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Dated: June 9, 2015

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Dated: June 11, 2015

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Dated: June 9, 2015

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Dated: June 9, 2015

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Dated: June 9, 2015

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Dated: June 9, 2015

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GOOGLE INC.

IT IS SO ORDERED

Dated: June 15, 2015



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE