

1 COMES NOW THE PARTIES by and through their respective counsel and subject to the
2 approval of this Court, hereby stipulate and respectfully request that this Court's Pretrial
3 Scheduling Order dated July 12, 2016 [ECF No. 68], be modified to reflect new deadlines as
4 follows, or as to accommodate the Court's docket, in order for the parties to conduct phased
5 discovery moving forward:

6 **Current Schedule**

7	Expert Disclosure:	Oct. 17, 2016
8	Supplemental Expert Disclosure:	Oct. 31, 2016
9	Close of All Discovery:	Nov. 21, 2016
10	Filing of Dispositive Motions:	Dec. 21, 2016
11	Hearing of Dispositive Motions:	Jan. 24, 2017, at 1:30p
12	Joint Pretrial Statement:	June 2, 2017
13	Final Pretrial Conference:	June 9, 2017 at 11:00a
14	Trial:	July 17, 2017

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16 **Proposed New Schedule**

17	Close of Phase 1 Discovery:	Nov. 21, 2016
18	Filing of Dispositive Motions, Phase 1:	Dec. 21, 2016
19	Hearing of Dispositive Motions, Phase 1:	Jan. 24, 2017, at 1:30p
20	Expert Disclosure:	June 8, 2017
21	Supplemental Expert Disclosure:	June 29, 2017
22	Close of Phase 2 Discovery:	July 24, 2017
23	Filing of Dispositive Motion, Phase 2:	August 22, 2017
24	Hearing of Dispositive Motions, Phase 2:	September 19, 2017, at 1:30p
25	Joint Pretrial Statement:	December 1, 2017
26	Final Pretrial Conference:	December 8, 2017, at 11:00a
27	Trial:	January 8, 2018 at 9:00 a.m.

1 WHEREAS, counsel for all parties have met and discussed the posture of this case, and
2 agree that it would be in the interests of justice and judicial economy and that good causes exists
3 for the modification of the scheduling order;

4 WHEREAS, the parties participated in a judicially supervised settlement conference with
5 Magistrate Judge Carolyn Delaney on September 9, 2016, but were unable to reach a settlement;

6 WHEREAS, during the settlement conference on September 9, the parties discussed with
7 Judge Delaney, and she approved, the possibility of conducting phased discovery moving
8 forward in order for the parties to conduct limited fact discovery prior to Defendants filing their
9 motion for summary judgment, and postponing expert discovery and any other fact discovery
10 depending on the outcome of Defendants' motion;

11 WHEREAS, allowing the parties to extend the deadlines as requested will save the
12 parties time and expenses in an effort to resolve the purely legal questions incumbent in this
13 case;

14 WHEREAS, this request is not being made for the purpose of delay, or any other
15 improper purpose;

16 WHEREAS, continuing the trial date and pretrial deadlines will not prejudice any party
17 or their counsel; and

18 THEREFORE, IT IS HEREBY STIPULATED and agreed by and between the parties
19 that this Court modifies the pretrial deadlines and trial date as set forth above.

20 **IT IS SO STIPULATED.**

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22 Dated: September 20, 2016

LONGYEAR, O'DEA & LAVRA, LLP

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24 By: /s/ Amanda L. McDermott

25 JOHN A. LAVRA
26 AMANDA L. MCDERMOTT
27 Attorneys for Defendants
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Dated: September 20, 2016

LEIGH LAW GROUP, P.C.

By: /s/ Jay T. Jambeck
JAY T. JAMBECK
MANDY G. LEIGH
Attorneys for Plaintiffs

IT IS SO ORDERED.

Dated: 9/21/2016 _____

/s/ John A. Mendez
JOHN A. MENDEZ
United States District Court Judge