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Packaging (USA), Inc.
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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11

12 STARBUCKS CORPORATION, a corporation,
13 Plaintiff,

14 v.

15 AMCOR PACKAGING DISTRIBUTION, a
corporation; AMCOR PACKAGING (USA), INC.,
16 a corporation; and PALLETS UNLIMITED, LLC, a
limited liability company,
17 Defendants.
18

Case No. 2:13-CV-01754-WBS-CKD

Hon. William B. Shubb

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY DATES OF THE
SCHEDULING ORDER**

Complaint Filed: August 23, 2013

19 AND ALL RELATED CROSS-ACTIONS.
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21 Plaintiff Starbucks Corporation (“Starbucks”), Defendants and Cross-Claimants Amcor
22 Packaging Distribution and Amcor Packaging (USA), Inc. (collectively referred to as “Amcor”),
23 Defendant, Cross-Claimant and Third Party Plaintiff Pallets Unlimited, LLC, and Third Party Defendant
24 Ozburn-Hessey Logistics (“OHL”) (collectively the “parties”), by and through their respective counsel
25 of record, stipulate as follows:

26 WHEREAS, on August 23, 2013, Plaintiff Starbucks Corporation filed its complaint against
27 Defendants Amcor Packaging Distribution, Amcor Packaging (USA), Inc., and Pallets Unlimited, LLC;

28 WHEREAS, on January 29, 2014, the Court entered a Scheduling Order setting deadlines

1 for the disclosure of experts, completion of expert and non-expert discovery, filing of all motions, except
2 motions for continuance, temporary restraining orders, and other emergency applications, and setting the
3 Final Pretrial Conference and trial dates;

4 WHEREAS, on July 22, 2014, Pallets Unlimited, LLC, filed a third-party complaint against
5 OHL;

6 WHEREAS, on January 16, 2015, the Court entered an order granting in part and denying in
7 party OHL's motion to dismiss Pallets Unlimited's first amended third-party complaint against OHL;

8 WHEREAS, on January 30, 2015, OHL filed its Answer to Pallets Unlimited's first amended
9 third-party complaint;

10 WHEREAS, on February 24, 2015, the parties stipulated to modify the Pre-Trial Order since
11 OHL had just appeared in the matter;

12 WHEREAS, Starbucks noticed the deposition of Pallet Unlimited's PMK in March 2014 for
13 an April 2014 date, and Amcor noticed the deposition of the person most knowledgeable of Pallets
14 Unlimited, LLC, as early as October 2014, but due to the unavailability of the key witness, Jamie
15 Anderson, his deposition was held only recently on July 9, 2015. His deposition has not been completed
16 and will be finished in the near future.

17 WHEREAS, other depositions could not proceed as the parties agreed the proper sequence
18 was for the first-noticed Pallets Unlimited deposition to take place before proceeding with Starbucks and
19 other depositions, and because it would be best for the status of third-party defendant OHL and its
20 motion to dismiss to be determined prior to proceeding with more depositions.

21 WHEREAS, the depositions of two of Starbucks' employees are now scheduled for July 21
22 and July 30, 2015;

23 WHEREAS, the delay in scheduling the initial depositions has caused a delay in continuing
24 discovery in this matter;

25 WHEREAS, for all of the foregoing reasons, the parties agree that the Scheduling Order
26 should be modified to provide all parties with sufficient time to fairly participate in discovery and file
27 pre-trial motions.

28 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the parties,through

1 their respective counsel and subject to the Court's approval, that good cause has been shown and the
2 Scheduling Order shall be modified as follows, subject to further modification upon a showing of good
3 cause under Federal Rule of Civil Procedure 16(b).

4 Discovery: The parties shall disclose experts and produce reports in accordance with Federal
5 Rule of Civil Procedure 26(a)(2) by no later than December 31, 2015; with regard to expert testimony
6 intended solely for rebuttal, those experts shall be disclosed and reports produced in accordance with
7 Federal Rule of Civil Procedure 26(a)(2) on or before January 29, 2016; all non-expert discovery,
8 including depositions for preservation of testimony, shall be so conducted as to be completed by October
9 5, 2015; all expert discovery shall be so conducted as to be completed by February 28, 2016.

10 Motion Hearing Schedule: All motions, except motions for continuances, temporary
11 restraining orders, or other emergency applications, shall be heard on or before **April 4, 2016**.

12 Final Pretrial Conference: The Final Pretrial Conference shall be set for **June 6, 2016 at**
13 **2:00 p.m.**

14 Jury Trial: The Jury Trial is reset for **August 16, 2016 at 9:00 a.m.**

15
16 SO STIPULATED

17
18 DATED: July 20, 2015

KIRKLAND & ELLIS LLP

19
20 /s/ Michael Shipley
21 Michael J. Shipley
22 Attorneys for Third-Party Defendant
Ozburn-Hessey Logistics

23 DATED: July 20, 2015

GIBSON ROBB & LINDH LLP

24
25 /s/ Joshua E. Kirsch
26 Joshua E. Kirsch
27 Attorneys for Plaintiff
Starbucks Corporation

28 ///

1 DATED: July 20, 2015

JACKSON JENKINS RENSTROM LLP

2

3

/s/ John M. Marston

4

John M. Marston
Attorneys for Defendant, Cross-
Claimant, and Third-Party Plaintiff
Pallets Unlimited, LLC

5

6

7 DATED: July 20, 2015

BORTON PETRINI, LLP

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/s/ Manish Parikh

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Manish Parikh
Attorneys for Defendants and Cross-
Claimants Amcor Packaging Distribution
and Amcor Packaging (USA), Inc.

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12 **IT IS SO ORDERED.**

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14 Dated: July 22, 2015



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WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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