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| 6 | | | |
| 8 | Attorneys for Defendants Amcor Packaging Distribution; Amcor Packaging (USA), Inc. | | |
| 9 | UNITED STATES DISTRICT COURT | | |
| 10 | EASTERN DISTRICT OF CALIFORNIA | | |
| 11 | | | |
| 12 | STARBUCKS CORPORATION, a corporation, | Case No. 2:13-CV-01754-WBS-CKD | |
| 13 | Plaintiff, | Hon. William B. Shubb | |
| 14 | V. | STIPULATION AND [PROPOSED) ORDER TO MODIFY DATES OF THE | |
| 15 | AMCOR PACKAGING DISTRIBUTION, a | SCHEDULING ORDER | |
| 16 | corporation; AMCORPACKAGING (USA), INC., a corporation; and PALLETS UNLIMITED, LLC, a | Complaint Filed: August 23, 2013 | |
| 17 | limited liability company, | | |
| 18 | Defendants. | | |
| 19 | AND ALL RELATED CROSS-ACTIONS. | | |
| 20 | | | |
| 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; | | |
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WHEREAS, on January 29, 2014, the Court entered a Scheduling Order setting deadlines for the disclosure of experts, completion of expert and non-expert discovery, filing of all motions, except 2 3 motions for continuance, temporary restraining orders, and other emergency applications, and setting the Final Pretrial Conference and trial dates; 4

WHEREAS, on July 22, 2014, Pallets Unlimited, LLC, filed a third-party complaint against 5 6 OHL:

7 WHEREAS, on January 16, 2015, the Court entered an order granting in part and denying in 8 part OHL's motion to dismiss Pallets Unlimited's first amended third-party complaint against OHL;

WHEREAS, on January 30, 2015, OHL filed its Answer to Pallets Unlimited's first amended 9 third-party complaint; 10

11 WHEREAS, on February 24, 2015, the parties stipulated to modify the Pre-Trial Order since OHL had just appeared in the matter; 12

13 WHEREAS, on July 31, 2015, the parties stipulated to modify the Pre-Trial Order to extend some of the discovery deadlines because a key witness in the matter was not available for deposition; 14

WHEREAS, the parties have conducted a number of key depositions in the matter, but there 15 are still quite a few depositions that need to be completed. Moreover, these depositions are conducted 16 not only in California but Nevada and Washington, which makes scheduling these depositions very 17 18 difficult to accommodate for all concerned parties.

WHEREAS, all parties agree that on the need to extend just the non-expert discovery 19 20 deadline to November 30, 2015, to provide all parties sufficient time to complete the depositions.

21 WHEREAS, for all of the foregoing reasons, the parties agree that the Scheduling Order should be modified to provide all parties with sufficient time to fairly participate in discovery and file 22 23 pre-trial motions.

24 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through their respective counsel and subject to the Court's approval, that good cause has been shown and the 25 26 Scheduling Order shall be modified as follows, subject to further modification upon a showing of good cause under Federal Rule of Civil Procedure 16(b). 27

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| | | |
| 1 | Discovery: All non-expert discov | ery, including depositions for preservation of testimony, |
| 2 | shall be so conducted as to be completed by No | ovember 30, 2015. |
| 3 | SO STIPULATED | |
| 4 | | |
| 5 | DATED: August 28,2015 | KIRKLAND & ELLIS LLP |
| 6 | | |
| 7 | | <i>ls</i> / David A. Klein David A. Klein |
| 8 | | Attorneys for Third-Party Defendant Ozburn-Hessey Logistics |
| 9 | | |
| 10 | DATED: August 28,2015 | GIBSON ROBB & LINDH LLP |
| 11 | | |
| 12 13 | | /s/ Joshua E. Kirsch |
| 13 | | Joshua E. Kirsch Attorneys for Plaintiff Starbucks Corporation |
| 15 | | Starbucks Corporation |
| 16 | DATED: August28, 2015 | JACKSON JENKINS RENSTROM LLP |
| 17 | | |
| 18 | | Is/ John M. Marston |
| 19 | | John M. Marston Attorneys for Defendant, Cross- |
| 20 | | Claimant, and Third-Party Plaintiff Pallets Unlimited, LLC |
| 21 | | |
| 22 | DATED: August 28, 2015 | BORTON PETRINI, LLP |
| 23 | | |
| 24 | | <u>/s/ Manish Parikh</u> Manish Parikh |
| 25 | | Attorneys for Defendants and Cross- Claimants Amcor Packaging Distribution |
| 26 | | and Amcor Packaging (USA), Inc. |
| 27 | | |
| h:\55653\68113 7\pldgs\stipord ermodifydates- | STIPULATION MODIFY DATES OF SCHEDULING | 3 ORDER CASE NO. 2:13-CV-01754-GEB-CKD |
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IT IS SO ORDERED.

Dated: September 3, 2015

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WILLIAM B. SHUBB UNITED STATES DISTRICT JUDGE

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4 STIPULATION MODIFY DATES OF SCHEDULING ORDER

CASE NO. 2:13-CV-01754-GEB-CKD