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7 Attorneys for Defendants Amcor Packaging Distribution; Amcor  
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.  
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19 AND ALL RELATED CROSS-ACTIONS.  
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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

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;

1 WHEREAS, on January 29, 2014, the Court entered a Scheduling Order setting deadlines for  
2 the disclosure of experts, completion of expert and non-expert discovery, filing of all motions, except  
3 motions for continuance, temporary restraining orders, and other emergency applications, and setting the  
4 Final Pretrial Conference and trial dates;

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

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

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

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

15 WHEREAS, on November 5, 2015, the parties stipulated to modify the Pre-Trial Order to  
16 extend some of the discovery deadlines;

17 WHEREAS, the current discovery deadline is November 30, 2015, and the parties have been  
18 conducting written discovery and depositions to meet that deadline. The parties believe that substantial  
19 discovery has been conducted close to the discovery deadline and they would need additional time to  
20 review the same with their clients, carriers, and experts.

21 WHEREAS, all parties agree that their counsel, experts, clients, and carrier representatives  
22 may have vacations planned for the month of December and, therefore, it would be prudent to extend  
23 just the expert discovery to February 1, 2016, to provide all parties sufficient time to fairly participate in  
24 discovery and file pre-trial motions.

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

1 cause under Federal Rule of Civil Procedure 16(b).

2           Discovery: The parties shall disclose experts and produce reports in accordance with Federal  
3 Rule of Civil Procedure 26(a)(2) by no later than February 1, 2016; with regard to expert testimony  
4 intended solely for rebuttal, those experts shall be disclosed and reports produced in accordance with  
5 Federal Rule of Civil Procedure 26(a)(2) on or before February 29, 2016; all expert discovery shall be so  
6 conducted as to be completed by April 1, 2016.

7           SO STIPULATED

8  
9 DATED: November 10, 2015

KIRKLAND & ELLIS LLP

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11           /s/ David A. Klein  
12 David A. Klein  
13 Attorneys for Third-Party Defendant  
Ozburn-Hessey Logistics

14 DATED: November 10, 2015

GIBSON ROBB & LINDH LLP

15  
16           /s/ Joshua E. Kirsch  
17 Joshua E. Kirsch  
18 Attorneys for Plaintiff  
Starbucks Corporation

19 DATED: November 10, 2015

JACKSON JENKINS RENSTROM LLP

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22           /s/ John M. Marston  
23 John M. Marston  
24 Attorneys for Defendant, Cross-  
Claimant, and Third-Party Plaintiff  
Pallets Unlimited, LLC

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1 DATED: November 10, 2015

BORTON PETRINI, LLP

2  
3 /s/ Manish Parikh  
4 Manish Parikh  
5 Attorneys for Defendants and Cross-  
6 Claimants Amcor Packaging Distribution  
7 and Amcor Packaging (USA), Inc.

8 **IT IS SO ORDERED.**

9 Dated: November 10, 2015

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11 WILLIAM B. SHUBB  
12 UNITED STATES DISTRICT JUDGE  
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