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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.
18

19 AND ALL RELATED CROSS-ACTIONS.
20

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

Hon. William B. Shubb

**STIPULATION AND 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, the parties had previously stipulated and the Court ordered that the parties shall
27 disclose experts and produce reports in accordance with Federal Rules of Civil Procedure, rule 26(a)(2)
28 no later than February 1, 2016; with regard to expert testimony intended solely for rebuttal, those experts

1 shall be disclosed and reports produced in accordance with Federal Rules of Civil Procedure, rule
2 26(a)(2) on or before February 29, 2016; all expert discovery shall be so conducted as to be completed
3 by April 1, 2016.

4 WHEREAS, Pallets Unlimited, LLC had filed a motion to modify the scheduling order to
5 seek further fact discovery and OHL has opposed that motion, which was pending before the Court for
6 decision. In light of such a motion being filed, some of the parties believed that their experts will not
7 have all the information necessary to prepare their reports and will not be able to make their initial
8 reports in the short time left before the deadline for expert disclosure. The Court recently made a
9 decision on the order, denying the motion. Nevertheless, in the short time available, the experts will not
10 be able to make their reports.

11 WHEREAS, it is the intent of the parties to move the expert disclosure and rebuttal dates
12 forward by two weeks at this time to give all parties sufficient time to disclose their experts.

13 WHEREAS, the parties have been discussing moving the trial date for two months and will
14 shortly file another stipulation regarding same.

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

19 Expert Discovery: The parties shall disclose experts and produce reports in accordance with
20 Federal Rules of Civil Procedure, rule 26(a)(2), no later than February 16, 2016; with regard to expert
21 testimony intended solely for rebuttal, those experts shall be disclosed and reports produced in
22 accordance with Federal Rules of Civil Procedure, rule 26(a)(2), on or before March 15, 2016.

23 IT IS SO STIPULATED.

24
25 DATED: January 28, 2016

KIRKLAND & ELLIS LLP

26
27 /s/ Michael J. Shipley _____
Michael J. Shipley
Attorneys for Third-Party Defendant
Ozburn-Hessey Logistics

1
2 DATED: January 28, 2016

GIBSON ROBB & LINDH LLP

3 /s/ Joshua E. Kirsch
4 Joshua E. Kirsch
5 Attorneys for Plaintiff
6 Starbucks Corporation

7 DATED: January 28, 2016

JACKSON JENKINS RENSTROM LLP

8 /s/ John M. Marston
9 John M. Marston
10 Attorneys for Defendant, Cross-
11 Claimant, and Third-Party Plaintiff
12 Pallets Unlimited, LLC

13 DATED: January 28, 2016

BORTON PETRINI, LLP

14 /s/ Manish Parikh
15 Manish Parikh
16 Attorneys for Defendants and Cross-
17 Claimants Amcor Packaging Distribution
18 and Amcor Packaging (USA), Inc.

19 **IT IS SO ORDERED.**

20 Dated: February 1, 2016


21 _____
22 CAROLYN K. DELANEY
23 UNITED STATES MAGISTRATE JUDGE
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