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17 Attorneys for Defendant
18 GRAYBAR ELECTRIC COMPANY, INC.

19 **UNITED STATES DISTRICT COURT**
20 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

21 THE MOUNTAIN CLUB OWNER'S)
22 ASSOCIATION,)

23 Plaintiff,)

24 vs.)

25 GRAYBAR ELECTRIC COMPANY, INC.,)

26 Defendant.)
27)
28)

Case No. 2:13-CV-01835-WBS-KJN

**STIPULATION & [PROPOSED] ORDER
TO CONTINUE RESPONSIVE
PLEADING DEADLINE, SCHEDULING
CONFERENCE, AND RELATED DATES**

WHEREAS, the initial Scheduling Conference in this case is currently set for April 28,
2014 at 2:00 p.m. in courtroom 5 (WBS) before Judge William B. Shubb; and

WHEREAS, Plaintiff Mountain Club Owner's Association filed its First Amended
Complaint on January 31, 2014, asserting two counts against Defendant Graybar Electric
Company, Inc.: (1) "Count One – Strict Product Liability" and (2) "Count Two – Negligence";
and

1 WHEREAS, Defendant filed a Motion to Dismiss Plaintiff’s First Amended Complaint on
2 February 14, 2014; and

3 WHEREAS, on March 25, 2014, the Court entered an Order granting Defendant’s Motion
4 as to Count II (“Negligence”) and denying Defendant’s Motion as to Count I (“Strict Product
5 Liability”). Plaintiff has twenty days from the date the Order was signed to file an amended
6 complaint as to its negligence claim consistent with the Court’s Order, and Defendant has fourteen
7 days from the date the Order was signed to respond to Plaintiff’s strict product liability claim; and

8 WHEREAS, Plaintiff intends to file a Second Amended Complaint during the week of
9 April 7, 2014 asserting both strict product liability and negligence counts against Defendant; and

10 WHEREAS, in the interest of efficiency, the parties have agreed that Defendant shall have
11 fourteen days from the date Plaintiff files its Second Amended Complaint to plead or otherwise
12 respond to Plaintiff’s strict product liability claim; and

13 WHEREAS, the parties would have a more meaningful opportunity to meet and confer in
14 preparation for filing a Joint Status Report and Scheduling Order after Defendant has had an
15 opportunity to respond to Plaintiff’s Second Amended Complaint;

16 THEREFORE, the parties respectfully request that (a) the deadline for Defendant to plead
17 or otherwise respond to Plaintiff’s strict product liability claim be continued to fourteen (14) days
18 after the date on which Plaintiff serves its Second Amended Complaint, and (b) the Scheduling
19 Conference and related dates are continued thirty (30) days such that the date to meet and confer
20 and file the Joint Status Report result in a date after Defendant has responded to Plaintiff’s Second
21 Amended Complaint.

22 IT IS HEREBY STIPULATED by the undersigned parties that Defendant Graybar Electric
23 Company, Inc. shall plead or otherwise respond to Plaintiff’s strict product liability claim no later
24 than fourteen (14) days after the date on which Plaintiff serves its Second Amended Complaint;
25 and

26 IT IS HEREBY FURTHER STIPULATED by the undersigned parties that the Scheduling
27 Conference scheduled for April 28, 2014 at 2:00 p.m. in courtroom 5 (WBS) before Judge
28

1 William B. Shubb is continued to June 9, 2014, or as soon thereafter as the matter may be heard;
2 and

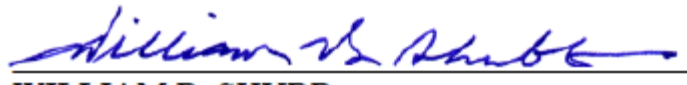
3 IT IS HEREBY FURTHER STIPULATED by the undersigned parties that the Joint Status
4 Report shall be filed no later than May 26, 2014.

5
6 Dated: April 2, 2014 STOEL RIVES LLP
7
8 By: /s/ Michael B. Brown
9 Attorney for Defendant, GRAYBAR ELECTRIC
COMPANY

10 Dated: April 2, 2014 FORAN GLENNON PALANDECH PONZI &
11 RUDLOFF PC
12 By: /s/ Diana R. Lotfi
13 DIANA R. LOTFI
14 Attorney for Plaintiff, THE MOUNTAIN CLUB
15 OWNER'S ASSOCIATION

16 **ORDER**

17 **IT IS SO ORDERED THAT** the stipulated responsive pleading and Joint Status Report
18 deadlines proposed by the parties are approved and adopted by this Court. The Scheduling
19 Conference shall be held on **June 9, 2014 at 2:00 p.m. in Courtroom 5.** A Joint Status Report
20 shall be filed no later than **May 27, 2014.**

21
22 Dated: April 2, 2014
23 
24 WILLIAM B. SHUBB
25 UNITED STATES DISTRICT JUDGE
26
27
28