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11	GRAYBAR ELECTRIC COMPANY, INC.		
12	LINITED STATE	S DISTRICT COLIDT	
13	UNITED STATES DISTRICT COURT		
14	FOR THE EASTERN D	ISTRICT OF CALIFORNIA	
15			
16	THE MOUNTAIN CLUB OWNER'S ASSOCIATION,) Case No. 2:13-CV-01835-WBS-KJN	
17	Plaintiff,	STIPULATION & ORDER TO MODIFY THE PRETRIAL SCHEDULING ORDER	
18	VS.	TO CONTINUE THE DEADLINE TO	
19	GRAYBAR ELECTRIC COMPANY, INC.,) JOIN PARTIES AND AMEND THE) PLEADINGS	
20	Defendant.))	
21))	
22)	
23	COMES NOW, Plaintiff, The Mountain Club Owners Association ("Plaintiff"), and		
24	Defendant, Graybar Electric Company, Inc. ("Defendant" or "Graybar"), by and through their		
25	respective undersigned counsel, and pursuant to FED. R. CIV. P. 16(b)(4) stipulate to modify the		
26	Court's Status (Pretrial Scheduling) Order of June 2, 2014 (Doc. # 44), to continue the deadline		
27	for joining parties and amending the pleadings. Good cause exists for the requested modification.		
28			
	STIPULATION & ORDER TO MODIFY THE PRETRIAL SCHEDULING ORDER TO CONTINUE THE		

DEADLINE TO JOIN PARTIES AND AMEND THE PLEADINGS

77648288.1 0043714-00003

WHEREAS, this is a products liability case in which Plaintiff claims that an electric cable distributed or supplied by Graybar contained a manufacturing defect that caused a fire on Plaintiff's property (*see* Second Amend. Compl. Doc. # 40, at ¶¶ 8-11);

WHEREAS, this Court, after reviewing the parties' Joint Status Report, entered a Status (Pretrial Scheduling) Order (the "Order") on June 2, 2014, establishing various pleading and discovery deadlines and setting the case for a jury trial on September 9, 2015 (Doc. # 44);

WHEREAS, pursuant to the Order, the parties have until December 5, 2014, to join additional parties or amend the pleadings:

Defendant indicates that it may seek to implead one or more third-party defendants for contribution and/or indemnity, and shall do so by no later than December 5, 2014. After that date, no further joinder of parties or amendments to pleadings will be permitted except with leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b).

(Doc. #: 44 at § II.)

WHEREAS, a scheduling order entered pursuant to RULE 16(b) "may be modified only for good cause and with the judge's consent." FED. R. CIV. P. 16(b)(4).

WHEREAS, good cause exits in that it is anticipated the parties will seek to join or implead the manufacturer of the electric cable at issue should the manufacturer be identified;

WHEREAS, good cause exists in that the parties have conducted written discovery, physical inspections of Plaintiff's property and the electrical cable, and Defendant has conducted extensive third-party discovery but, to date, the manufacturer has not yet been identified;

WHEREAS, good cause exists in that it is anticipated that additional discovery and investigation may lead to the identification of the cable manufacturer;

WHEREAS, it is agreed that, to allow the parties to continue their respective investigations and conduct additional discovery to identify the manufacturer of the electric cable, the deadline for joining parties and amending the pleadings be continued to February 27, 2015;

1	<u>ORDER</u>
2	
3	IT IS SO ORDERED THAT, good cause having been shown, the stipulated party joinder
4	and pleading amendment deadline proposed by the parties is approved and adopted by this Court.
5	The parties shall have until no later than February 27, 2015, to seek leave to join additional parties
6	or amend the pleadings. After that date, no further joinder of parties or amendments to pleadings
7	will be permitted except with leave of the court, good cause having been shown under FEDERAL
8	RULE OF CIVIL PROCEDURE 16(b).
9	Dated: November 24, 2014
10	Ferdel J. Newman
11	KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE
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