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GENERAL CABLE CORPORATION
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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11

12 THE MOUNTAIN CLUB OWNER'S
ASSOCIATION,

13 Plaintiff,

14 vs.

15 GRAYBAR ELECTRIC COMPANY,
16 INC.,

17 Defendant/Third-
Party Plaintiff,

18 vs.

19 GENERAL CABLE CORPORATION

20 Third-Party
Defendant
21

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

**STIPULATION AND [PROPOSED]
ORDER MODIFYING STATUS
(PRETRIAL SCHEDULING)
ORDER**

22
23 The Mountain Club Owner's Association ("Plaintiff"), defendant
24 Graybar Electric Company, Inc. ("Graybar") and Third-Party Defendant General Cable
25 Corporation ("General Cable") (collectively "the Parties"), by and through their
26 respective counsel of record and pursuant to FED.R.CIV.PROC. 16(b)(4), hereby
27 stipulate to modify the Court's Status (Pretrial Scheduling) Order (Docket No. 44), as
28 modified by the stipulations and orders reflected in Doc. Nos. 45, 46, 47 and 52, as

1 follows:

2 WHEREAS, this is a products liability case in which Plaintiff claims that
3 an electric cable distributed or supplied by Graybar contained a manufacturing defect
4 that caused a fire on Plaintiff's property (*see* Second Amend. Compl. Doc. No. 40, at
5 ¶¶ 8-11); and

6 WHEREAS, this Court, after reviewing the parties' Joint Status Report,
7 entered a Status (Pretrial Scheduling) Order (the "Order") on June 2, 2014, establishing
8 various pleading and discovery deadlines and setting the case for a jury trial on
9 September 9, 2015 (Doc. No. 44); and

10 WHEREAS, the Order was modified in certain respects by subsequent
11 stipulations and orders (Doc. Nos. 45, 46, 47 and 52); and

12 WHEREAS, when the Order was entered, and subsequently modified,
13 General Cable was not a party to this action; and

14 WHEREAS, on February 3, 2015, Graybar filed a Third-Party Complaint
15 against General Cable alleging that General Cable manufactured the subject cable,
16 thereby entitling Graybar to contribution if not complete indemnity for any damages
17 awarded to Plaintiff; and

18 WHEREAS, on February 19, 2015, General Cable filed its answer to
19 Graybar's Third-Party Complaint; and

20 WHEREAS, the parties other than General Cable have been in this case
21 for almost a year and one-half, with discovery (including site inspections and limited
22 destructive testing) ongoing; and

23 WHEREAS, the Parties agree that the Order should be modified to
24 provide General Cable with sufficient time to fairly participate in discovery and, if
25 necessary, file pretrial dispositive motions; and

26 WHEREAS, a scheduling order entered pursuant to FED. R. CIV.
27 PROC. 16(b) "may be modified only for good cause and with the judge's consent."
28

1 FED. R. CIV. PROC. 16(b)(4); and

2 WHEREAS, good cause exists to modify the Order to allow General
3 Cable to conduct discovery, including site inspections and testing/examination of the
4 subject cable, together with a reasonable opportunity to retain expert
5 consultants/witnesses to assist in its defense of the Third-Party Complaint; and

6 WHEREAS, none of the Parties would be prejudiced by the requested
7 extensions set forth herein, and counsel for the Parties believe that the interests of
8 justice and efficiency would be served by an order revising the Order;

9 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between
10 the Parties, through their respective counsel and subject to the Court's approval, that
11 good cause has been shown and the Order shall be modified as follows, subject to
12 further modification upon a good cause showing under FED. R. CIV. PROC. 16(b)(4):

- 13 1. General Cable's Initial Disclosures pursuant to FED. R. CIV.
14 PROC. 26(a)(1) and (c) shall be due on or before April 24, 2015;
- 15 2. The time for joinder of parties and filing amendments shall be
16 extended until May 1, 2015;
- 17 3. Expert Disclosure/Reports (FED. R. CIV. PROC. 26(a)(2)) shall
18 be extended until August 24, 2015;
- 19 4. Disclosure of Rebuttal Experts/Reports (FED. R. CIV. PROC.
20 26(a)(2)) shall be extended until September 25, 2015;
- 21 5. The Discovery Completion date shall be extended until October 9,
22 2015;
- 23 6. The date for the Court hearing any discovery motions shall be
24 extended until October 9, 2015;
- 25 7. The date for filing motions, with stated exceptions, shall be
26 extended until October 23, 2015;
- 27 8. The date for the Final Pretrial Conference shall be continued to
28

1 **January 19, 2016 at 2:00 p.m;** and

2 9. The trial date shall be continued from September 9, 2015 until
3 **March 8, 2016 at 9:00 a.m.**

4
5 IT IS SO STIPULATED.

6 Dated: March 31, 2015

HASSARD BONNINGTON LLP

7
8 /s/Philip S. Ward

9 _____
10 Philip S. Ward
11 Attorneys for Third-Party Defendant
12 GENERAL CABLE CORPORATION

13 Dated: March 31, 2015

FORAN GLENNON PALANDECH PONZI
AND RUDLOFF

14 /s/Diana Roya Lotfi
15 (authorized on March 27, 2015)

16 _____
17 Diana Roya Lotfi
18 Attorneys for Plaintiff THE MOUNTAIN
19 CLUB OWNER'S ASSOCIATION

20 Dated: March 31, 2015


LEWIS RICE LLC

21 /s/Thomas P. Berra, Jr.
22 (authorized on March 30, 2015)

23 _____
24 Thomas P. Berra, Jr.
25 Attorneys for Defendant and Third Party
26 Plaintiff GRAYBAR ELECTRIC COMPANY,
27 INC.

28 IT IS SO ORDERED.

Dated: March 31, 2015



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE