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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE MOUNTAIN CLUB OWNER’S  
ASSOCIATION,

Plaintiff,

v.

GRAYBAR ELECTRIC COMPANY,  
INC.,

Defendant.

No. 2:13-cv-1835-WBS-KJN

ORDER

On July 30, 2015, the court, at the parties’ request, conducted an informal discovery teleconference in this matter. Diana Lofti appeared on behalf of plaintiff The Mountain Club Owner’s Association (“Mountain Club”) and Philip Ward appeared on behalf of Third-Party Defendant General Cable Corporation (“General Cable”). For the reasons discussed with the parties at the teleconference, IT IS HEREBY ORDERED that:

1. General Cable may remove a length of originally-installed electric armored cable located in the void space above two layers of sheetrock in the ceiling of Unit 327 which is connected to the suspended light fixture in that unit, and shall then replace the length of cable with an appropriate electric cable in compliance with all applicable codes. General Cable shall bear the costs related to removal of the cable and restoring the property to its original condition subsequent to the removal. The parties shall

1 further meet and confer regarding (a) the procedure for selecting the electrician and  
2 other appropriate contractors to perform the removal and restoration; (b) any necessary  
3 certifications or indemnifications for the work and restoration to be performed; and (c)  
4 the protocol for testing any removed cable, including which party(ies) will have  
5 custody of the removed cable.

6 2. General Cable's requests to cut a hole in, or remove a section of, two layers of  
7 sheetrock ceiling in Unit 327 and the plywood sheeting in the attic space above Unit  
8 327 to permit physical entry and visual inspection of the spaces above those structures  
9 are denied without prejudice at this time. However, Mountain Club shall promptly  
10 produce to General Cable any photos that its expert took of Unit 314, and both parties  
11 may have electricians, construction engineers, and other appropriate experts present at  
12 the inspection of the units. If the photos of Unit 314 or the visual inspection of Units  
13 314 or 327 provide some reasonable indication that there is any electric cable or other  
14 wiring contained in the spaces above the above-mentioned structures, General Cable  
15 may be entitled to physically enter and inspect such spaces. In that event, the parties  
16 and their experts shall meet and confer regarding the most appropriate method of  
17 facilitating such an inspection.

18 3. The parties shall meet and confer regarding potential dates for the inspection and  
19 testing of Units 314 and 327, and cooperate in good faith to reserve the units for the  
20 selected date(s).

21 4. General Cable shall bear the reasonable costs of using the subject units during the  
22 selected date(s), as discussed in greater detail at the telephonic conference.

23 5. If the parties wish to modify the pretrial scheduling order, they shall jointly submit to  
24 the court a new set of proposed scheduling deadlines, bearing in mind that such new  
25 proposed deadlines shall not modify the final pretrial conference or trial dates.

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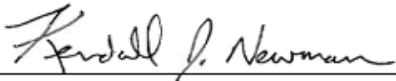
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IT IS SO ORDERED.

Dated: August 4, 2015

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE