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18 Attorneys for Defendants
19 *Diamond Pet Food Processors of California, LLC, and*
20 *Diamond Pet Food Processors of Ripon, LLC*

21 UNITED STATES DISTRICT COURT
22 EASTERN DISTRICT OF CALIFORNIA

23 LELAND LENNEAR AND NARVELL
24 HENRY, SR.

25 Plaintiffs,

26 vs.

27 DIAMOND PET FOOD PROCESSORS
28 OF CALIFORNIA, LLC; DIAMOND PET
FOOD PROCESSORS OF RIPON, LLC;
SCHELL & KAMPETER, INC. d/b/a
DIAMOND PET FOODS; and DOES 1 to
25,

26 Defendants.

Case No. 2:13-CV-01871-TLN-DAD

**STIPULATION AND ORDER TO
EXTEND DEADLINES IN SCHEDULING
ORDER**

Complaint Filed: September 9, 2013
Trial Date: August 17, 2015

1 Plaintiffs LELAND LENNAR and NARVELL HENRY (“Plaintiffs”) and Defendants
2 DIAMOND PET FOOD PROCESSORS OF CALIFORNIA, LLC; DIAMOND PET FOOD
3 PROCESSORS OF RIPON, LLC, and SCHELL & KAMPETER, INC. (dba) DIAMAOND PET
4 FOODS (hereinafter, collectively referred to as “Defendants”) hereby jointly stipulate and seek leave
5 pursuant to Rule 16(b) of the Federal Rules of Civil Procedure to extend the deadlines set forth in the
6 Status (Pretrial Scheduling) Scheduling Order (hereinafter the “Scheduling Order”) for good cause as
7 set forth herein.

8 Plaintiffs’ lawsuit asserts claims against Defendants for race harassment, race discrimination,
9 wrongful termination, and retaliation under state and federal law. Plaintiffs filed the initial Complaint
10 on September 9, 2013, and Defendants filed their Answer on October 10, 2013. Plaintiff seeks
11 special damages in the form of past and future earnings, employment benefits, loss of earning
12 capacity, general damages, punitive damages, and attorneys’ fees. Defendants deny liability.

13 On January 29, 2014, this Court issued a Pre-Trial Scheduling Order without hearing.
14 According to the Order, the deadline for non-expert discovery is September 19, 2014, the expert
15 disclosure deadline is November 20, 2014, the last date for dispositive motions is March 12, 2015,
16 and the jury trial is scheduled for August 17, 2015.

17 Counsel for Plaintiffs and Defendants are also counsel in another case, *Hollins, et al. v.*
18 *Diamond Pet Food Processors of California, LLC, et al.*, Case No. 2:13-CV-00113-MCE-KJN (“the
19 *Hollins case*”). As the *Hollins case* and *Lennear case* involve several of the same defendants and
20 witnesses and many of the same allegations of race discrimination and retaliation, the parties have
21 been concentrating on resolving the *Hollins case*, which was scheduled for binding arbitration on
22 October 20, 2014. In fact, the parties recently settled the *Hollins case* and entered into a binding
23 settlement agreement in that case on June 19, 2014. Many of the witnesses deposed and documents
24 exchanged in the *Hollins case* are the same documents and witnesses in the *Lennear case*. However,
25 additional written discovery and depositions related to the *Lennear case* will need to be completed
26 before the discovery deadline.

27 Thus, the parties seek a brief extension of the deadlines related to non-expert discovery and
28 expert disclosures as follows:

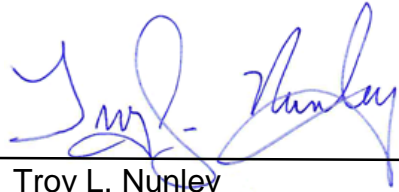
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ORDER

Pursuant to the joint stipulation of the parties, and good cause appearing, the deadline for completion of discovery is hereby continued from September 19, 2014 to November 20, 2014, the deadline for designation of expert witnesses is hereby continued from November 20, 2014 to December 17, 2014. All other dates remains the same.

IT IS SO ORDERED.

Dated: July 3, 2014



Troy L. Nunley
United States District Judge