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

20 UNITED STATES DISTRICT COURT
21 EASTERN DISTRICT OF CALIFORNIA

22 LELAND LENNEAR AND NARVELL
23 HENRY, SR.

24 Plaintiffs,

25 vs.

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

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 On July 8, 2014, this Court granted the parties’ Stipulation Extending Deadlines in the
18 Discovery Order and revised the deadline for non-expert discovery to November 20, 2014 and the
19 expert disclosure deadline to December 17, 2014. The other deadlines remained the same.

20 Most of the non-expert discovery will be completed in the next few weeks. However, the
21 parties are currently meeting and conferring on issues concerning written discovery responses, and
22 need additional time to complete this process. Currently, any motion to compel concerning deficient
23 discovery responses must be filed by October 30, 2014, in order to be heard by November 20, 2014,
24 assuming the Court has availability to hear a motion on that date.

25 Thus, the parties seek a brief extension of the deadline to complete non-expert discovery. The
26 parties seek to extend the deadline to complete non-expert discovery from November 20, 2014 to
27 December 22, 2014. The other deadlines shall remain the same.

28 In light of the foregoing, and for good cause shown, the parties respectfully request that the

1 Court modify the existing Scheduling Order as agreed by the parties and as set forth herein. This
2 extension does not affect the dates related to dispositive motions, the pretrial conference date, or the
3 trial date, although those dates are included below for sake of context.

4 Dated: October 21, 2014

Dated: October 21, 2014

6 /s/ Bryan J. McCormack
7 BRYAN J. McCORMACK
McCORMACK & ERLICH, LLP

/s/ John P. Hasman
JOHN P. HASMAN
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8 Attorneys for Plaintiffs

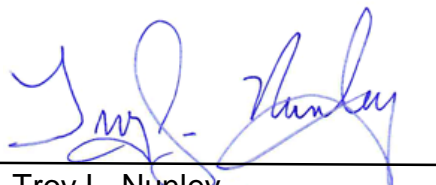
Attorneys for Defendants

10 **ORDER**

11 Pursuant to the joint stipulation of the parties, and good cause appearing, the deadline for
12 completion of discovery is hereby continued from November 20, 2014 to December 22, 2014. All
13 other dates remain the same.

14
15 IT IS SO ORDERED.

16
17 Dated: October 30, 2014

18
19 
20
21 Troy L. Nunley
United States District Judge