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 17 NATHAN LENARD

18 **UNITED STATES DISTRICT COURT**
 19 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

21 NATHAN LENARD,
 22 Plaintiff,
 23 vs.
 24 THE SHERWIN-WILLIAMS COMPANY, and
 25 DOES 1-100,
 26 Defendant.

Case No. 2:13-CV-02548-KJM-AC

**NOTICE OF SETTLEMENT EFFORTS
 AND STIPULATION TO MODIFY
 PRETRIAL SCHEDULING ORDER;
 [PROPOSED ORDER]**

Action Filed: May 15, 2013
 Trial Date: May 23, 2016

1 Pursuant to Federal Rule of Civil Procedure 16(b)(4) and the Court's Standing Order,
2 Plaintiff Nathan Lenard ("Plaintiff") and Defendant The Sherwin-Williams Company
3 ("Defendant") submit the following notice of settlement efforts and stipulation to modify the
4 Court's June 18, 2015 and September 28, 2015 pretrial scheduling orders (Dkt. Nos. 26 and 28).

5 On June 18, 2015, the Court graciously modified the pretrial case schedule in the instant
6 action pursuant to the parties' stipulation. (Dkt. No. 26.) On September 28, 2015, the Court
7 granted the parties' request that the expert discovery deadlines in this matter be continued until
8 after the hearing on Defendant's motion for summary judgment. (Dkt. No. 28.) As of the date of
9 this stipulation, the following dates and deadlines remain in the instant action:

- 10 • Deadline for expert designation: March 31, 2016
- 11 • Deadline for supplemental expert designation: April 29, 2016
- 12 • Deadline for completion of expert discovery: May 13, 2016
- 13 • Deadline for submission of joint conference statement: May 19, 2016
- 14 • Final pretrial conference: June 9, 2016
- 15 • Deadline for submission of trial briefs: June 27, 2016
- 16 • Trial: July 11, 2016

17 On March 11, 2016, the Court heard Defendant's motion for summary judgment.
18 Subsequently, the parties began discussing a potential pretrial resolution of this matter. The parties
19 are currently seeking a mediator but believe that it may take up to 120 days based on conflicts and
20 mediator availability to hold a mediation.

21 To allow the parties sufficient time to resolve this matter in a manner that conserves their
22 and the Court's time and resources, the parties respectfully request that all pending deadlines and
23 dates be continued as follows to allow the parties an attempt at mediation and to avoid conflicts
24 with existing matters:

- 25 • Deadline for expert designation continued from March 31, 2016 to **June 3, 2016**.
- 26 • Deadline for supplemental expert designation continued from April 29, 2016 to
27 **July 1, 2016**.
- 28 • Deadline for completion of expert discovery continued from May 13, 2016 to

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August 1, 2016.

- Deadline for submission of joint conference statement continued from May 19, 2016 to **August 15, 2016.**
- Final pretrial conference continued from June 9, 2016 to **October 11, 2016.**
- Deadline for submission of trial briefs continued from June 27, 2016 to **November 4, 2016.**
- Trial continued from July 11, 2016 to **November 18, 2016.**

DATED: March 25, 2016

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: /s/ Kevin D. Reese
Kevin D. Reese
Timothy L. Reed

Attorneys for Defendant
THE SHERWIN-WILLIAMS COMPANY

DATED: March 25, 2016

LAW OFFICE OF ERIK M. ROPER

By: /s/ Erik M. Roper (as authorized on 3/24/2016)
Erik M. Roper

Attorney for Plaintiff
NATHAN LENARD


1 **ORDER**

2 Good cause appearing, the court GRANTS the parties' stipulation to modify the Pretrial
3 Scheduling Order (ECF No. 45), as modified to conform to the court's calendar. Accordingly, the
4 case schedule is modified as follows:

- 5 • The deadline for expert designation is continued from March 31, 2016 to **June 3, 2016**.
- 6 • The deadline for supplemental expert designation is continued from April 29, 2016 to
7 **July 1, 2016**.
- 8 • The deadline to complete expert discovery is continued from May 13, 2016 to
9 **August 1, 2016**.
- 10 • The deadline to submit a joint final pretrial conference statement is continued from May
11 19, 2016 to **September 16, 2016**.
- 12 • The final pretrial conference is continued from June 9, 2016 to **October 7, 2016 at**
13 **10:00 a.m.**
- 14 • The deadline to submit trial briefs is continued from June 27, 2016 to
15 **November 14, 2016**.
- 16 • Jury trial is continued from July 11, 2016 to **November 28, 2016 at 9:00 a.m.**

17 The court will not adjudicate defendant's pending motion for summary judgment (ECF
18 No. 39) until the court is notified whether settlement is achieved. The court will not grant future
19 requests to modify the case schedule absent extraordinary circumstances.

20 DATED: March 28, 2016

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24 UNITED STATES DISTRICT JUDGE
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