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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PRAETORIAN INSURANCE COMPANY,

Plaintiffs,

vs.

A R BUSINESS GROUP, INC. dba U S TIRE &
 WHEEL; MARSHAUN TATE; SHAUN TATE
 by and through his guardian ad litem, KENNETH
 TATE; ELISEO QUINTERO, SR.; AIDA
 QUINTERO; FORD MOTOR COMPANY;
 BRIDGESTONE AMERICAS, ICN.,

Defendants.

No. 2:13-CV-02639-MCE-EFB

**STIPULATION AND ORDER TO
 CONTINUE TRIAL AND EXTEND
 THE DISCOVERY CUT OFF AND
 EXPERT DISCLOSURE DATES**

Trial Date: February 26, 2016

THE PARTIES HERETO, by and through their respective counsel, stipulate as follows:

WHEREAS the Final Pre-trial Conference is set for January 7, 2016, and Trial is set for
 February 26, 2016;

WHEREAS the last day to hear dispositive motions is October 29, 2015;

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1 WHEREAS on March 30, 2015, the Court signed a Stipulation and Order to extend the
2 discovery cut off date from April 24, 2015 to July 20, 2015, and expert witness disclosure date
3 from June 26, 2015 to August 14, 2015. (Document 27);

4 WHEREAS, Plaintiffs scheduled a total of nine depositions in this matter between April
5 2, 2015 to April 22, 2015;

6
7 WHEREAS on March 31, 2015, defendant AR Business Group, Inc. dba U.S. Tire &
8 Wheel filed a Voluntary Petition in the United States Bankruptcy Court for the Eastern District
9 of California, bankruptcy petition #15-22566;

10 WHEREAS the bankruptcy action resulted in an automatic bankruptcy stay pursuant to
11 11 U.S.C. section 362(a), thereby preventing the parties from proceeding with the
12 aforementioned depositions, completing discovery, and from preparing and designating experts;

13
14 WHEREAS on April 20, 2015, the bankruptcy was dismissed for failure to timely file
15 documents;

16 WHEREAS, on April 28, 2015, AR Business Group filed a Motion for Reconsideration
17 of the bankruptcy dismissal, which was denied on May 18, 2015, as the Court deemed it “unduly
18 confusing” to vacate the dismissal as notice had already been sent to the creditors, and that the
19 proper course of action would be for AR Business Group to re-file the bankruptcy action;

20
21 WHEREAS on June 22, 2015, Mr. Matulich, counsel for AR Business Group, indicated
22 to Estee Lewis of Barr & Mudford’s office that the bankruptcy would be re-filed in the first half
23 of July, which would result in a further automatic stay of proceedings.

24 WHEREAS the parties agree that a further extension is necessary in this case to give the
25 plaintiffs time to file a Motion for Relief of the Automatic Bankruptcy Stay; allow the parties to
26 reschedule the aforementioned depositions; allow the parties to complete discovery, prepare and
27 designate experts; and allow the parties to prepare dispositive motions.
28

1 **THEREFORE, the parties hereby stipulate, by and through their respective**
2 **counsel, that:**

- 3 1. The discovery cut off date currently set for July 20, 2015, should be extended until
4 December 18, 2015;
- 5 2. The expert witness disclosure date currently set for August 14, 2015, should be extended
6 until January 22, 2016;
- 7 3. The last day to hear dispositive motions currently set for October 29, 2015, should be
8 extended until March 24, 2016;
- 9 4. The Final Pretrial Conference currently set for January 7, 2016, should be continued until
10 June 9, 2016;
- 11 5. The Trial currently set for February 26, 2016, should be continued until July 22, 2016.

12
13
14 DATED: June 24, 2015

BARR & MUDFORD

15
16 /s/ John Douglas Barr
17 JOHN DOUGLAS BARR
18 Attorney for Defendants TATE

19
20 DATED: June 24, 2015

SELVIN, WRAITH, HALMAN LLP

21 /s/ Robin D. Korte
22 ROBIN D. KORTE
23 Attorney for Plaintiff, Praetorian
24 Insurance Company

25
26 DATED: June 24, 2015

JAMES J. KAUFMAN, A Professional
Corporation

27 /s/ James J. Kaufman
28 JAMES J. KAUFMAN
 Attorney for Defendants AR BUSINESS
 GROUP, INC., dba US TIRE & WHEEL

1 DATED: June 24, 2015

LARSON, GARRICK & LIGHTFOOT, LLP

2
3 /s/ Mary P. Lightfoot
4 ARNOLD D. LARSON
5 MARY P. LIGHTFOOT
6 Attorneys for Defendant/Cross-Defendant,
7 BRIDGESTONE AMERICAS, INC.
8 ROSENTHAL LAW

9 DATED: June 24, 2015


10 /s/ S. David Rosenthal
11 S. DAVID ROSENTHAL
12 Attorney for Plaintiffs, ELISEO QUINTERO,
13 And AIDA QUINTERO

14 **ORDER**

15 The discovery cut off date currently set for July 20, 2015, is extended until December 18,
16 2015; the expert witness disclosure date currently set for August 14, 2015, is extended until
17 January 22, 2016; the last day to hear dispositive motions currently set for October 29, 2015, is
18 extended until March 24, 2016; the Final Pretrial Conference currently set for January 7, 2016, is
19 continued until June 9, 2016; and the Trial currently set for February 26, 2016, is continued until
20 July 22, 2016.

21 IT IS SO ORDERED.

22 Dated: June 30, 2015

23 
24 MORRISON C. ENGLAND, JR., CHIEF JUDGE
25 UNITED STATES DISTRICT COURT
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