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## Attorneys for Defendants, TATE

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

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

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

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

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

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

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                  DATED: June 24, 2015

BARR & MUDFORD

13                  \_\_\_\_\_  
14                  /s/ John Douglas Barr  
15                  JOHN DOUGLAS BARR  
16                  Attorney for Defendants TATE

17                  DATED: June 24, 2015

18                  SELVIN, WRAITH, HALMAN LLP

19                  \_\_\_\_\_  
20                  /s/ Robin D. Korte  
21                  ROBIN D. KORTE  
22                  Attorney for Plaintiff, Praetorian  
23                  Insurance Company

24                  DATED: June 24, 2015

25                  JAMES J. KAUFMAN, A Professional  
26                  Corporation

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

1 DATED: June 24, 2015

LARSON, GARRICK & LIGHTFOOT, LLP

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4  
5 DATED: June 24, 2015  
6

/s/ Mary P. Lightfoot  
ARNOLD D. LARSON  
MARY P. LIGHTFOOT  
Attorneys for Defendant/Cross-Defendant,  
BRIDGESTONE AMERICAS, INC.  
ROSENTHAL LAW

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

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## ORDER

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

21 Dated: June 30, 2015

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