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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, INC.,

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: July 22, 2016**

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

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

WHEREAS the bankruptcy action resulted in an automatic bankruptcy stay pursuant to 11 U.S.C. section 362(a), thereby preventing the parties from proceeding with nine depositions that had been set by defendants Tate and Quintero, completing discovery, and from preparing and designating experts;

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

3 WHEREAS, on April 28, 2015, AR Business Group filed a Motion for Reconsideration  
4 of the bankruptcy dismissal, which was denied on May 18, 2015, as the Court deemed it “unduly  
5 confusing” to vacate the dismissal as notice had already been sent to the creditors, and that the  
6 proper course of action would be for AR Business Group to re-file the bankruptcy action;  
7

8 WHEREAS on July 14, 2015, AR Business Group, re-filed the Voluntary Petition in the  
9 United States Bankruptcy Court for the Eastern District of California, bankruptcy petition #15-  
10 25526-D-7, which has resulted in a further automatic stay of proceedings;

11 WHEREAS the Tate’s and Quintero’s filed a Motion for Relief of the Automatic  
12 Bankruptcy Stay, which was recently granted on November 25, 2015;  
13

14 WHEREAS the parties have been unable to conduct discovery in this matter due to AR  
15 Business Group filing for bankruptcy and the cases being automatically stayed based on the  
16 bankruptcy;

17 WHEREAS the current discovery cutoff date is December 18, 2015; the expert witness  
18 disclosure is due on January 22, 2016; the last day to hear dispositive motions is March 25, 2016;  
19 the Final Pre-trial Conference is June 16, 2016; and the Trial is set to begin on July 22, 2016;  
20

21 WHEREAS the parties agree that a further extension is necessary in this case to allow the  
22 parties to complete discovery, prepare and designate experts; and allow the parties to prepare and  
23 respond to dispositive motions.

24 **THEREFORE, the parties hereby stipulate, by and through their respective**  
25 **counsel, that:**

- 26 1. The discovery cut off date currently set for December 18, 2015, should be extended until  
27 April 15, 2016;  
28

- 1        2.        The expert witness disclosure date currently set for January 22, 2016, should be extended  
2                    until May 20, 2016;
- 3        3.        The last day to hear dispositive motions currently set for March 25, 2016, should be  
4                    extended until July 29, 2016;
- 5        4.        The Final Pretrial Conference currently set for June 16, 2016, should be continued until  
6                    September 22, 2016;
- 7        5.        The trial currently set for July 22, 2016, should be continued until October 21, 2016.

9        DATED: December 7, 2015

BARR & MUDFORD

/s/ John Douglas Barr

JOHN DOUGLAS BARR

Attorney for Defendants TATE

12       DATED: December 7, 2015

SELVIN, WRAITH, HALMAN LLP

/s/ Gary Selvin

GARY SELVIN

Attorney for Plaintiff, Praetorian Insurance Co.

16       DATED: December 7, 2015

JAMES J. KAUFMAN, A Professional Corp.

/s/ James J. Kaufman

JAMES J. KAUFMAN

Attorney for Defendants AR BUSINESS  
GROUP, INC., dba US TIRE & WHEEL

20       DATED: December 7, 2015

LARSON, GARRICK & LIGHTFOOT, LLP

/s/ Mary P. Lightfoot

ARNOLD D. LARSON

MARY P. LIGHTFOOT

Attorneys for Defendant/Cross-Defendant,  
BRIDGESTONE AMERICAS, INC.

25       DATED: December 7, 2015

ROSENTHAL LAW

/s/ S. David Rosenthal

S. DAVID ROSENTHAL

Attorney for Plaintiffs, ELISEO QUINTERO,  
and AIDA QUINTERO

1 Dated: December 7, 2015

MURCHISON & CUMMING, LLP

2 /s/ Tina H. Vo

3 RICHARD C. MORENO

4 TINA H. VO

5 Attorneys for Defendant/Cross-Complainant,  
6 U.S. TIRE & WHEEL

7 **ORDER**

8 In accordance with the foregoing stipulation, and subject to the modified trial date as set forth  
9 below,

10 1. The discovery cut off date currently set for December 18, 2015, is extended until April  
11 15, 2016;

12 2. The expert witness disclosure date currently set for January 22, 2016, is extended until  
13 May 20, 2016;


14 3. The last day to hear dispositive motions currently set for March 25, 2016, is extended  
15 until July 29, 2016;

16 4. The Final Pretrial Conference currently set for June 16, 2016, is continued until  
17 September 22, 2016;

18 5. The Bench Trial currently set for July 22, 2016, is continued until **October 28, 2016** (the  
19 October 21, 2016 date requested above is not an available date on the Court's calendar).  
20

21 IT IS SO ORDERED.

22 Dated: December 22, 2015

23   
24 \_\_\_\_\_  
25 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
26 UNITED STATES DISTRICT COURT  
27  
28