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17 Attorneys for Plaintiff and Counter-Defendant
18 THE NATIONAL GRANGE OF THE ORDER OF
19 PATRONS OF HUSBANDRY

20 UNITED STATES DISTRICT COURT
21 EASTERN DISTRICT OF CALIFORNIA

22 THE NATIONAL GRANGE OF THE ORDER
23 OF PATRONS OF HUSBANDRY, a District
24 of Columbia nonprofit corporation,

25 Plaintiff,

26 v.

27 CALIFORNIA STATE GRANGE, a California
28 corporation,

Defendant.

AND RELATED COUNTER-CLAIM.

No. 2:14-cv-00676-WBS-DAD

**STIPULATION AND ORDER TO
MODIFY STATUS (PRETRIAL
SCHEDULING) ORDER TO PERMIT
DEPOSITIONS OF DEFENDANT AND
ITS PRINCIPAL, ROBERT
MCFARLAND**

1 Plaintiff and Defendant hereby stipulate to modify the Court's Status (Pretrial Scheduling)
2 Order to permit Plaintiff to take two depositions, one of Defendant California State Grange, and
3 the other of its president, Robert McFarland, between May 13-15, 2015. The grounds and
4 authorities in support of this motion are as follows:

- 5 1. On July 3, 2014, the Court issued its Status (Pretrial Scheduling) Order, *Doc. 20*,
6 which provides that discovery shall be completed by April 24, 2015.
- 7 2. On September 23, 2014, Plaintiff noticed the depositions of Defendant and its
8 principal, Robert McFarland, to take place on January 8-9, 2015 (after Defendant
9 had the opportunity to respond to Plaintiff's Requests for Production of
10 Documents, Interrogatories, and Requests for Admission).
- 11 3. By agreement between Plaintiff's undersigned counsel and Defendant's then-
12 counsel, Maralee Eriksen of Boutin Jones, the two depositions were reset for
13 February 23-24, 2015.
- 14 4. Subsequently, however, Defendant substituted its counsel, necessitating a
15 postponement of the depositions. In January 2015, Defendant initially substituted
16 Michael Chase of Boutin Jones for Maralee Eriksen of that same firm. *Doc. 31*.
- 17 5. Then Defendant substituted counsel once again, replacing the firm of Boutin Jones
18 with its current counsel, Anthony Ellrod of Manning & Kass Ellrod, Ramirez,
19 Trester, LLP. The substitution notice was filed on March 10, 2015, after
20 Defendant's principal, Robert McFarland, signed the substitution of counsel. *Doc.*
21 *35*.
- 22 6. As soon as the second substitution of defense counsel was effected, counsel for
23 Plaintiff consistently persisted with their efforts to schedule the depositions within
24 the current discovery deadline, but the deponent and defense counsel were not
25 available until after the close of discovery. Despite both parties' best efforts and
26 due to multiple scheduling conflicts, the closest available dates Defendant and
27 both parties' counsel are available for depositions are May 14-15, 2015.
28 Moreover, defense counsel anticipates filing a Motion to Consolidate and Extend

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Deadlines due to its recent association as counsel and the related matter of California State Grange v. The Grange of the State of California's Order of Patrons of Husbandry, Chartered (2:15-cv-00317-WBS-DAD) also pending before this Court. Plaintiff's counsel does not intend to consent to or acquiesce in that contemplated defense motion, or to any extension of the discovery deadline beyond the scheduling of the two depositions.

7. The dates of May 14-15, 2015 for the two depositions are acceptable and agreeable to both parties and their respective counsel, subject to the Court's approval.

WHEREFORE, Plaintiff and Defendant, by counsel, hereby stipulate and respectfully request that the Status (Pretrial Scheduling) Order be modified only so far as to permit Plaintiff to take the depositions of Defendant California State Grange and Robert McFarland, between May 14-15, 2015.

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Dated: April 17, 2015

**MANNING & KASS ELLROD, RAMIREZ,
TRESTER, LLP**

By: /s/ Anthony Ellrod
ANTHONY ELLROD

Attorneys for Defendant and Counter-Claimant
CALIFORNIA STATE GRANGE

Dated: April 17, 2015

ARENT FOX LLP

By: /s/ Michael L. Turrill
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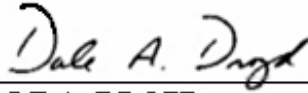
Attorneys for Plaintiff and Counter-Defendant
THE NATIONAL GRANGE OF THE ORDER
OF PATRONS OF HUSBANDRY

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ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.

Dated: April 20, 2015



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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