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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SIEMENS INDUSTRY, INC.,

Plaintiff,

v.

CTC SERVICES, INC., and DOES
1 Through 20, inclusive,

Defendants.

No. 2:14-CV-00682-TLN-EFB

**STIPULATION AND ORDER TO MODIFY
PRETRIAL SCHEDULING ORDER TO
CONTINUE TRIAL DATE AND EXTEND
OTHER DEADLINES**

This Stipulation is made between Plaintiff Siemens Industry, Inc. ("Plaintiff") and Defendant CTC Services, Inc. ("Defendant") in light of the following facts:

WHEREAS, the Court entered its Order re: Status (Pretrial Scheduling) Conference on May 30, 2014 ("Order"), Docket No. 11;

WHEREAS, the parties have conducted ongoing settlement discussions between counsel and in furtherance of potential settlement, the Parties engaged in mediation on April 20, 2015, with the assistance of Sacramento attorney and mediator Kenneth Malovos, Esq.;

1 WHEREAS, significant progress was made toward settlement at
2 mediation, but the Parties need additional time to secure the
3 participation of an insurance carrier to determine whether a
4 settlement can be reached;

5 WHEREAS, Defendant's insurance carriers have denied both a
6 duty to defend and potential indemnity to Defendant on the grounds
7 that they did not receive timely notice of Plaintiff's claim in
8 this matter, but the Defendant gave timely notice to its insurance
9 broker, who failed to pass the notice on the Defendant's insurance
10 carriers. The Parties recognize the necessity of obtaining the
11 cooperation of Defendant's insurance broker's insurance carrier to
12 fully resolve and/or settle Plaintiff's damage claims;

13 WHEREAS, Defendant has filed suit in Sacramento County
14 Superior Court against its insurance broker, who has obtained
15 counsel and the Parties desire to focus their resources on
16 obtaining the insurance broker's insurance carrier's participation
17 in mediation in order to minimize expenditure of resources and
18 reserves available to settle their dispute rather than incur costs
19 of depositions and other discovery in this action and the action
20 filed against defendant's insurance broker;

21 WHEREAS, the Parties agree that it would be in their
22 collective best interests to continue the trial in this matter to
23 August 1, 2016 at 9:00 a.m., the Final Pre-trial Conference to
24 June 2, 2016 at 2:00 p.m., the Discovery Closure to March 16,
25 2016¹, Expert Disclosure to March 24, 2016, the Expert Discovery

26
27 ¹Though Discovery shall be limited to those items which all counsel for the
28 Parties mutually agree to, and expressly is not meant or understood to be a
carte blanche re-opening of Discovery. CTC has requested the opportunity to
notice and take the depositions of Dennis Murray, Gordon Livermore, and the

1 Closure to May 5, 2016 and the deadline for filing Pre-trial
2 Statements to May 19, 2016;

3 WHEREAS, Plaintiff and Defendant agree to use the extension
4 of time afforded by this Stipulation to explore and focus their
5 efforts on insurance coverage and settlement of their dispute
6 through the mediation process which they have already begun;

7 WHEREAS, the proposed stipulation for modification of the
8 terms of the Order will not significantly delay or prejudice the
9 timely resolution of this case in the event settlement
10 negotiations and/or further mediation prove unsuccessful inasmuch
11 as counsel have been informed by the Court that a criminal trial,
12 which has precedence over this matter, is currently set for trial
13 on January 20, 2016 and this matter will likely not proceed to
14 trial on the current Trial Date.

15 **STIPULATION**

16 WHEREFORE, IT IS STIPULATED AND AGREED BY AND BETWEEN
17 PLAINTIFF AND DEFENDANT THAT THE **DISCOVERY DISCLOSURE** BASED ON THE
18 CONDITIONS EXPRESSLY SET FORTH ABOVE IS EXTENDED TO **MARCH 16,**
19 **2016, EXPERT DISCLOSURE** IS EXTENDED SO THAT ALL EXPERTS MUST BE
20 DISCLOSED AND EXPERT REPORTS SERVED NO LATER THAN **MARCH 24, 2016,**
21 THE **CLOSE OF EXPERT DISCOVERY** IS EXTENDED SO THAT ALL EXPERT
22 DISCOVERY MUST BE COMPLETED NO LATER THAN **MAY 5, 2016,** THE
23 **DEADLINE FOR FILING PRE-TRIAL STATEMENTS** IS EXTENDED SO THAT ALL
24 PRE-TRIAL STATEMENTS MUST BE FILED NOT LATER THAN **MAY 19, 2016,**
25 AND THAT THE **PRETRIAL CONFERENCE** BE CONTINUED TO **JUNE 2, 2016 AT**
26

27 person most knowledgeable for the storage conditions of the subject films,
28 after all options for mediation and settlement are exhausted and Siemens has
agreed to this limited discovery.

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2:00 P.M. AND THE TRIAL BE CONTINUED TO AUGUST 1, 2016 AT 9:00 A.M.

IT IS SO STIPULATED.

Dated: October 7, 2015

REYNOLDS MADDUX WOODWARD LLP

By: s/Phillip J. Maddux
Phillip J. Maddux
Attorneys for Defendant
CTC Services, Inc.

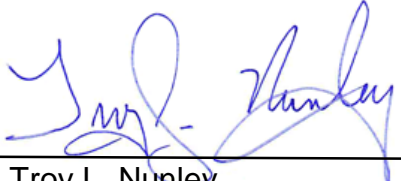
Dated: October 7, 2015

TRACHTMAN & TRACHTMAN, LLP

By: s/Ryan M. Craig
as authorized 09/28/15
Benjamin R. Trachtman
Ryan M. Craig
Attorneys for Plaintiff
Siemens Industry, Inc.

IT IS SO ORDERED.

Dated: October 8, 2015



Troy L. Nunley
United States District Judge