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21 RANDALL SCHEIDEMAN

22 UNITED STATES DISTRICT COURT
23
24 EASTERN DISTRICT OF CALIFORNIA

25 RANDALL SCHEIDEMAN,

26 Plaintiff,

27 v.

28 AVOLVE SOFTWARE CORPORATION,
a Delaware corporation and DOES 1-10
inclusive,

29 Defendants.

30 CASE NO. 2:14-cv-01217-MCE-CKD

31 **STIPULATED REQUEST AND ORDER
32 TO EXTEND THE DEADLINE TO
33 COMPLETE DISCOVERY AND EXTEND
34 THE DATE FOR EXPERT DISCLOSURES**

35 Plaintiff Randall Scheideman ("Plaintiff") and Defendant Avolve Software Corporation
36 ("Defendant") (collectively "the Parties") hereby jointly stipulate and seek leave pursuant to Rule
37 16(b) of the Federal Rules of Civil Procedure to extend the discovery deadlines set forth in the
38 Pretrial Scheduling Order (Dkt. 17) (hereinafter the "Scheduling Order") for good cause as set
39 forth herein.

40 IT IS HEREBY STIPULATED:

41 WHEREAS, all discovery, with the exception of expert discovery, currently must be
42 {Stipulation and Proposed Order to Extend Discovery and Expert Witness
43 Deadlines.1}

44 STIPULATED REQUEST AND [PROPOSED] ORDER TO EXTEND THE DEADLINE TO COMPLETE DISCOVERY AND
45 EXTEND THE DATE FOR EXPERT DISCLOSURES

1 completed by August 13, 2015 and the Parties wish to extend the time to complete non-expert
2 discovery until October 30, 2015;

3 WHEREAS, the last day for expert disclosures is currently October 13, 2015 and the
4 Parties wish to extend the date until November 30, 2015;

5 WHEREAS, to date, Defendant has propounded and Plaintiff has responded to written
6 discovery; however, neither Party has taken any depositions;

7 WHEREAS, the Parties are currently engaged in good faith settlement discussions and are
8 considering private mediation of the matter. The Parties have determined and agreed that it
9 would be economically feasible to postpone conducting additional discovery until after settlement
10 discussions as it may make the discovery unnecessary. As such, the parties seek to extend the
11 dates for completion of discovery and disclosure of expert witnesses;

12 WHEREAS, in the event settlement discussions or private mediation are unsuccessful, the
13 Parties will require this limited extension of time to complete all discovery, and this extension
14 will not affect any other dates set forth in the Scheduling Order;

15 WHEREAS, the Parties have not made any previous requests to extend any discovery
16 deadline in this action;

17 WHEREAS, in light of the foregoing, and for good cause shown, the parties respectfully
18 request that the Court modify the existing Scheduling Order as agreed by the Parties and as set
19 forth herein. The Parties are and have been working diligently to move this case toward private
20 mediation and, if unsuccessful, toward trial. Entering this Order will permit the parties to focus
21 on mediation and potentially resolving this case without a trial. This extension does not affect the
22 dates related to dispositive motions, the pretrial conference date, or the trial date, although those
23 dates are included below for sake of context.

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties
25 through their undersigned counsel of record that:

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27

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1 1. The Parties propose the following new scheduling deadlines:

Deadline	Existing Date	Proposed Date
Discovery Cutoff	August 13, 2015	October 30, 2015
Expert Disclosures	October 13, 2015	November 30, 2015
Rebuttal Expert Disclosures	November 2, 2015	December 18, 2015
Expert Discovery Cutoff	In a timely manner in order to comply with Court's deadline for filing dispositive motions.	In a timely manner in order to comply with Court's deadline for filing dispositive motions.
Last Hearing Date for Dispositive Motions	February 18, 2016	February 18, 2016
Final Pretrial Conference	April 14, 2015	April 14, 2015
Trial	June 13, 2016	June 13, 2016

13 2. The requested extensions will not interfere with any other dates contained in the
14 Court's Scheduling Order.

16 IT IS SO STIPULATED.

17 DATED: July 20, 2015

DELFINO MADDEN O'MALLEY COYLE &
KOEWLER LLP

19 By: /s/ Caroline Colangelo

CAROLINE COLANGELO
Attorney for Defendant
AVOLVE SOFTWARE CORPORATION

22 DATED: July 21, 2014

TOWER LEGAL GROUP P.C.

25 By: /s/ James A Clark

JAMES A. CLARK
Attorney for Plaintiff
RANDALL SCHEIDEMAN

ORDER

Pursuant to the joint stipulation of the Parties, and good cause appearing, the deadline for completion of discovery is hereby continued from August 13, 2015 to October 30, 2015, and the deadline for designation of expert witnesses is hereby continued from October 13, 2015 to November 30, 2105, the deadline for designation of rebuttal expert witnesses is continued from November 2, 2105 to December 18, 2015, and the Parties are hereby instructed to complete all discovery of expert witnesses in a timely manner in order to comply with the Court's deadline for filing dispositive motions. All other dates established in this matter, including the dispositive motion deadline, final pretrial conference and trial dates, remain unchanged.

IT IS SO ORDERED.

Dated: July 28, 2015


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