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 13 RANDALL SCHEIDEMAN

14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA

16 RANDALL SCHEIDEMAN,  
 17 Plaintiff,

18 v.

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

21 Defendants.

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

**STIPULATED REQUEST AND ORDER  
 TO EXTEND THE DEADLINE TO  
 COMPLETE DISCOVERY AND EXTEND  
 THE DATE FOR EXPERT DISCLOSURES**

22 Plaintiff Randall Scheideman ("Plaintiff") and Defendant Avolve Software Corporation  
 23 ("Defendant") (collectively "the Parties") hereby jointly stipulate and seek leave pursuant to Rule  
 24 16(b) of the Federal Rules of Civil Procedure to extend the discovery deadlines set forth in the  
 25 Pretrial Scheduling Order (Dkt. 17) (hereinafter the "Scheduling Order") for good cause as set  
 26 forth herein.

27 IT IS HEREBY STIPULATED:

28 WHEREAS, all discovery, with the exception of expert discovery, currently must be

{Stipulation and Proposed Order to Extend Discovery and Expert Witness  
 Deadlines.1}

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:  
26  
27  
28

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

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

IT IS SO STIPULATED.

DATED: July 20, 2015

DELFINO MADDEN O'MALLEY COYLE &  
KOEHLER LLP

By: /s/ Caroline Colangelo

CAROLINE COLANGELO  
Attorney for Defendant  
AVOLVE SOFTWARE CORPORATION

DATED: July 21, 2014

TOWER LEGAL GROUP P.C.

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, 2015, the deadline for designation of rebuttal expert witnesses is continued from November 2, 2015 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