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 9 Attorneys for Defendant and Cross-Defendant
 DOW ROOFING SYSTEMS, LLC

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA
 12 SACRAMENTO DIVISION

13 CAROL GAONA,

14 Plaintiff,

15 vs.

16 J.C. PENNEY COMPANY, INC.; J.C.
 PENNEY CORPORATION, INC.; DOW
 17 ROOFING SYSTEMS, INC. fka and successor
 in interest to JPS ELASTOMERICS
 18 CORPORATION dba JPS ELASTOMERICS
 CORPORATION dba STEVENS ROOFING
 19 SYSTEMS; JOHNSON CONTROLS, INC.;
 and DOES 3 through 25, inclusive,

20 Defendants.

Case No. 2:14-CV-02051-TLN-DB

**JOINT STIPULATION AND ORDER TO
 AMEND SCHEDULING ORDER**

(FIRST REQUEST)

21
 22 ALL RELATED CROSS-ACTIONS

Complaint Filed: July 17, 2014
 Removal: September 4, 2014
 Trial: May 14, 2018
 Judge: Hon. Troy Nunley

1 Plaintiff CAROL GAONA and defendants/cross-defendants J.C. PENNEY COMPANY, INC.
2 fka J.C. PENNEY CORPORATION (“JCP”), DOW ROOFING SYSTEMS, LLC fka JPS
3 ELASTOMERICS CORPORATION dba STEVENS ROOFING SYSTEMS (“DOW”), and
4 JOHNSON CONTROLS, INC. (“JOHNSON”), by and through their attorneys of record, respectfully
5 submit this joint stipulation and proposed order to extend the dates in connection with the completion
6 of discovery. Pursuant to Local Rule 144 and Federal Rule of Civil Procedure 16(b), the parties
7 hereby stipulate and agree as follows:

8 On May 10, 2016, this Court issued its Amended Pretrial Scheduling Order. (Doc. 41.) The
9 Order requires all fact discovery completed by June 15, 2017, and specified that “completed” means
10 that all depositions shall have been taken and any discovery disputes resolved. (Doc. 41 at p.2). The
11 Order also stated, “Counsel are instructed to complete all discovery of expert witnesses in a timely
12 manner in order to comply with the Court’s deadline for filing dispositive motions.” (Doc. 41 at p. 4.)
13 The deadline to designate expert witnesses, including any expert witnesses’ written reports, is August
14 18, 2017. (Doc. 41 at p.2) The deadline to file a dispositive motion is December 14, 2017. (Doc. 41 at
15 p. 4.)

16 After receiving the Order, the parties met and conferred and mutually agreed to complete all
17 expert discovery by November 9, 2017. On July 14, 2016, the parties submitted a Stipulation and
18 Order for Deadline to Complete All Expert Discovery specifying that “all expert discovery will be
19 completed by November 9, 2017.” On July 28, 2016, this Court issued its Order that all expert
20 discovery was to be completed by November 9, 2017. (Doc. 47).

21 The parties have worked diligently toward completing discovery, have completed initial written
22 discovery and document production. The parties have also scheduled and taken the depositions of
23 multiple parties and third-party witnesses, and are working to schedule the depositions of additional
24 third-party witnesses.

25 The parties require additional time to complete discovery and the interests of all parties are best
26 served by continuing all current dates related to discovery in this action by approximately 30 days.

27 The Pretrial Scheduling Order may be modified by leave of court upon a showing of good
28 cause. (Doc. 41 at 11). The parties agree that good cause exists to extend the discovery deadlines in

1 this case. Over the course of this litigation, the parties have taken over a dozen depositions of the
2 parties and witnesses. As a result of these depositions and other discovery efforts, the parties have
3 identified approximately four or five additional witnesses who must be deposed in order to uncover
4 necessary facts relevant to this case. For example, counsel for Plaintiff indicated that the depositions
5 of only three particular physicians were necessary to depose about the Plaintiff's medical condition. In
6 the spirit of cooperation, the Defendants agreed to proceed with those depositions and then consider
7 whether additional depositions are necessary. Those depositions were taken recently, and the
8 Defendants have determined that additional depositions are necessary. In addition, counsel for JC
9 Penney has recently identified non-party witnesses that it wishes to depose. Those witnesses could not
10 have been located and served earlier, despite diligent efforts to find them, and the parties do not have
11 availability to schedule the depositions before the current deadline. For these reasons, the parties are
12 unable to complete necessary additional depositions before the current June 15, 2017 deadline.
13 Additionally, a short extension to the fact discovery deadline will necessarily require a corresponding
14 extension of the deadlines related to expert discovery to allow the parties adequate time to prepare.
15 For these reasons, good cause exists to modify the Pretrial Scheduling Order.

16 The parties agree to the amended schedule, and agree that no party will be prejudiced if the
17 requested relief is granted.

18 **STIPULATION**

19 **NOW, THEREFORE, IT IS STIPULATED AND AGREED** that good cause exists to
20 modify the current scheduling deadlines as follows:

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Event	Current Date	Stipulated Date
Fact Discovery	June 15, 2017	July 17, 2017
Expert Designation and Reports	August 18, 2017	September 22, 2017
Expert Discovery Deadline	November 9, 2017	December 1, 2017
Dispositive Motions	December 14, 2017	January 11, 2018

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1 **IT IS FURTHER STIPULATED AND AGREED** by and among the Parties that all other
2 provisions of the Scheduling Orders (Doc. 41, 47) shall remain in effect, including the Final Pretrial
3 Conference scheduled on March 8, 2018 and the Trial scheduled to begin on May 14, 2018.
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6 Dated: May 26, 2017

BARNES & THORNBURG LLP

7 By _____ /s/ *Joel R. Meyer*
8 Joel R. Meyer
9 Attorney for Defendant and Cross-Defendant DOW
10 ROOFING SYSTEMS LLC

11
12 Dated: May 26, 2017

**PORTER SCOTT
A PROFESSIONAL CORPORATION**

13
14 By _____ /s/ *Colleen Howard*
15 Colleen R. Howard
16 Attorney for Defendants and Cross-Defendants J.C.
17 PENNEY CORPORATION, INC. fka J.C. PENNEY
18 COMPANY, INC., and JOHNSON CONTROLS, INC.

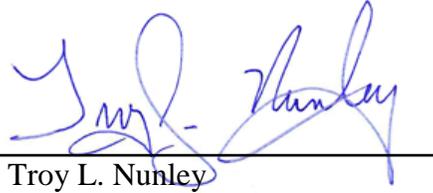
19
20 Dated: May 26, 2017

SEVEY, DONAHUE & TALCOTT, LLP

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22 By _____ /s/ *Jeffrey C. Sevey*
23 Jeffrey C. Sevey
24 Attorney for Plaintiff CAROL GAONA
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1 **IT IS SO ORDERED.**

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3 Dated: May 30, 2017

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6 Troy L. Nunley
7 United States District Judge
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