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 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**

(SECOND REQUEST)

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 this civil action.
6 Pursuant to Local Rule 144 and Federal Rule of Civil Procedure 16(b), the parties hereby stipulate and
7 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 On May 26, 2017, the parties, after having met and conferred, mutually agreed that additional
22 time was needed to complete the necessary discovery and filed a joint stipulation to modify the Pretrial
23 Scheduling Order.

1 On May 31, 2017, this Court ordered the scheduling deadlines modified as follows:

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Event	Former Date	Current 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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10 The parties disclosed eighteen (18) retained experts by the September 22, 2017 deadline, and
11 since those disclosures the parties have worked diligently toward completing discovery and attempted
12 to schedule and take the depositions of many of the disclosed experts. Due to the logistical difficulties
13 involved in scheduling feasible deposition dates, the parties require additional time to complete
14 discovery and the parties agree that the interests of all parties are best served by continuing many of
15 the dates in this action by approximately 30 days.

16 The Pretrial Scheduling Order may be modified by leave of court upon a showing of good
17 cause. (Doc. 41 at 11). The parties agree that good cause exists to extend the deadlines in this case.
18 Over the course of this litigation, a total of eighteen (18) expert witnesses have been retained in
19 connection with this action, and the parties have sought to depose most of those. In the spirit of
20 cooperation, all parties have been very accommodating in order to schedule the various experts
21 retained, but some experts, including Dr. Seidenwurm, Dr. Cassini, and Mr. Murphy, will likely not be
22 deposed by the December 1, 2017 deadline. Additionally, a short extension to the expert discovery
23 deadline will necessarily require a corresponding extension of some following deadlines to allow the
24 parties adequate time to prepare. For these reasons, good cause exists to modify the Pretrial
25 Scheduling Order.

26 The parties also take this opportunity to inform this Court that the parties have reviewed the
27 available evidence and arguments that resulted from discovery and have mutually come to the
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1 conclusion that a proper adjudication of this matter will very likely exceed the 4-7 trial days set for this
2 case. In the parties' considered and agreed-upon opinion, this civil action will likely require between
3 10-14 trials days to resolve. The parties wish to give notice to this Court regarding the anticipated
4 number of trial days this civil action will require in the event that the increase in requested trial days
5 affects either the current trial date of May 14, 2018, or the parties' requested continuation of various
6 deadlines in the Pretrial Scheduling Order, or both.

7 The parties agree to the amended schedule, and agree that no party will be prejudiced if the
8 requested relief is granted. Parties also request that, in the event that the trial date is continued in light
9 of the anticipated number of trial days necessary to adjudicate this matter, the dates for Dispositive
10 Motions, the Joint Final Pretrial Conference Statement, and the Final Pretrial Conference be continued
11 accordingly.

12 **STIPULATION**

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

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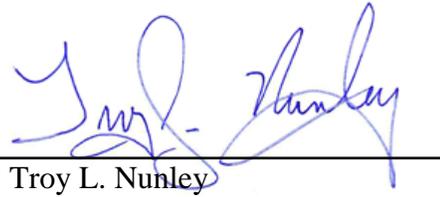
16 Event	17 Current Date	18 Stipulated Date
19 Expert Discovery Deadline	December 1, 2017	January 5, 2018
20 Dispositive Motions	January 11, 2018	February 8, 2018
21 Joint Final Pretrial Conference Statement	March 1, 2018	May 24, 2018
22 Final Pretrial Conference	March 8, 2018	May 31, 2018 at 2:00 PM
23 Trial	May 14, 2018	August 20, 2018 at 9:00 AM

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25 With respect to the trial date an associated pretrial conference deadlines, the parties request the
26 Court's guidance on whether those dates should remain on calendar or be rescheduled given the
27 parties' agreement that the trial will likely take 10-14 days rather than the 4-7 days.

IT IS SO ORDERED.

Dated: November 27, 2017



Troy L. Nunley
United States District Judge

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