

1 JENNIFER J. CAPABIANCO (SBN 193371)
jcapabianco@selmanbreitman.com
2 SELMAN BREITMAN LLP
33 New Montgomery, Sixth Floor
3 San Francisco, CA 94105-4537
Telephone: 415.979.0400
4 Facsimile: 415.979.2099

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6 Attorneys for Defendant, NORTH COAST
FABRICATORS, INC.

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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 ERICA AVILA; TAWNIA STANLEY, AS
11 PARENT AND GUARDIAN AD LITEM
FOR CA; TAWNIA STANLEY, AS
12 PARENT AND GUARDIAN AD LITEM
FOR CA; ERICA AVILA, AS PARENT
13 AND GUARDIAN AD LITEM FOR CB;
ERICA AVILA, AS PARENT AND
14 GUARDIAN AD LITEM FOR MB; AND
PAUL AVILA ,
15
16 Plaintiffs,
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18 v.
19 DANIEL MACIEJEWSKI, SAVAGE
LOGISTICS, LLC, and NORTH COAST
20 FABRICATORS, INC.,
21
22 Defendants.

No. 2: 14-cv-2284- TLN CKD (TEMP)
STIPULATION AND ORDER FOR LIMITED
EXTENSION OF FACT DISCOVERY

21 The parties to this action, by and through their counsel of
22 record, hereby stipulate to a limited extension of fact
23 discovery for the purpose of completing depositions of those
24 witnesses for whom deposition notices were served prior to
25 discovery cut-off.

26 **I. PROCEDURAL HISTORY**

27 On April 20, 2015, this Court issued its Pretrial
28 Scheduling Order. [Doc.16] The Pretrial Scheduling Order set

1 fact discovery cut off for December 3, 2015, expert disclosure
2 discovery cut off for February 4, 2016, and June 2, 2106 as the
3 last date to hear dispositive motions. Finally, this Court set
4 the trial to occur on November 14, 2016.

5 The parties appeared for Mediation on September 23, 2015.
6 The parties did not reach a settlement.

7 North Coast Fabricators, Inc. immediately thereafter served
8 follow-up written discovery to all plaintiffs and to defendants,
9 Savage Logistics, LLC and Daniel Maciejewski. Upon receipt and
10 analysis of defendants', Savage Logistics, LLC and Daniel
11 Maciejewski, discovery responses, North Coast Fabricators, Inc.
12 noticed the depositions of the Savage Logistics, LLC's employees
13 identified to date and all plaintiffs.

14 Savage Logistics, LLC and Daniel Maciejewski noticed the
15 depositions of North Coast Fabricators, Inc.'s employees, Eric
16 Simonsen and Aaron LaGasse. The parties dispute the date and
17 method of service of the Notices of Deposition for Eric Simonsen
18 and Aaron LaGasse. On November 9, 2015, Savage Logistics, LLC
19 and Daniel Maciejewski served a Notice of Deposition directed
20 towards North Coast Fabricators, Inc.'s "persons most
21 knowledgeable" regarding four categories of testimony. However,
22 given all the other hearings and depositions on calendar for
23 this case, and counsels' remaining case load, counsel for North
24 Coast Fabricators, Inc. had no availability dates to prepare for
25 and hold the depositions of the North Coast Fabricators, Inc.
26 employees prior to discovery cut off. The next available dates
27 for those depositions are December 16, and 17, 2015.
28

1 The parties also require the depositions of plaintiffs.
2 However, the main issue of dispute at this time is liability.
3 Plaintiffs, Erica Avila, individually and as parent and
4 guardian, and Tawnya Stanley, as parent and guardian, do not
5 have knowledge of liability facts. The parties would like to
6 complete liability discovery and wait to hold the depositions of
7 plaintiffs Erica Avila, individually and as parent and guardian,
8 and Tawnya Stanley, as parent and guardian, until after a second
9 Mediation session in an attempt to resolve this matter most
10 efficiently.

11 **II. STIPULATION**

12 The parties stipulate and agree to hold the depositions of
13 Aaron LaGasse, Eric Simonsen and the four "persons most
14 knowledgeable" identified in the November 9, 2015 Notice of
15 Deposition on December 16 and 17, 2015. The parties stipulate
16 that discovery cut off be continued to December 17, 2015 for the
17 limited purpose of deposing North Coast Fabricators, Inc.
18 employees Aaron LaGasse, Eric Simonsen and the four "persons
19 most knowledgeable" identified in the November 9, 2015 Notice of
20 Deposition.

21 The parties further stipulate and agree to extend discovery
22 cut off for the limited purpose of holding the depositions of
23 plaintiffs, Erica Avila, individually and as parent and
24 guardian, and Tawnya Stanley, as parent and guardian, until June
25 30, 2016.

26 All other cut off dates will follow the April 20, 2015
27 Pretrial Scheduling Order.

28 IT IS SO STIPULATED:

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DATED: November 23, 2015

JENNIFER J. CAPABIANCO
SELMAN BREITMAN LLP

By: /s/Jennifer J. Capabianco
JENNIFER J. CAPABIANCO
Attorneys for Defendant, NORTH
COAST FABRICATORS, INC.

DATED: November 24, 2015

BROWNSTEIN THOMAS LLP

By: /s/Mark C. Thomas
MARK C. THOMAS
Attorneys for Plaintiffs, ERICA
AVILA; TAWNYA STANLEY, AS PARENT
AND GUARDIAN AD LITEM FOR CA;
TAWNYA STANLEY, AS PARENT AND
GUARDIAN AD LITEM FOR CA; ERICA
AVILA, AS PARENT AND GUARDIAN AD
LITEM FOR CB; ERICA AVILA, AS
PARENT AND GUARDIAN AD LITEM FOR
MB; AND PAUL AVILA

DATED: November 24, 2015

LAW OFFICES OF STEPHEN J. GOROG

By: /s/Stephen J. Gorog
STEPHEN J. GOROG
Attorneys for Plaintiffs, ERICA
AVILA; TAWNYA STANLEY, AS PARENT
AND GUARDIAN AD LITEM FOR CA;
TAWNYA STANLEY, AS PARENT AND
GUARDIAN AD LITEM FOR CA; ERICA
AVILA, AS PARENT AND GUARDIAN AD
LITEM FOR CB; ERICA AVILA, AS
PARENT AND GUARDIAN AD LITEM FOR
MB; AND PAUL AVILA

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DATED: November 23, 2015

CLINTON & CLINTON

By: /s/ Marlon D'Oyen
MARLON D'OYEN
Attorneys for Defendants, DANIEL
MACIEJEWSKI and SAVAGE
LOGISTICS, LLC

ORDER

Based upon the stipulation of the parties, and good cause appearing therefore, the Court makes the following revision to the Pre Trial Scheduling Order:

Fact discovery cut off is extended to December 17, 2015 for the limited purpose of deposing North Coast Fabricators, Inc. employees Aaron LaGasse, Eric Simonsen and the four "persons most knowledgeable" identified in the November 9, 2015 Notice of Deposition.

Fact discovery cut off for the limited purpose of holding the depositions of plaintiffs, Erica Avila, individually and as parent and guardian, and Tawnya Stanley, as parent and guardian, is extended to June 30, 2016.

All other cut off dates will follow the April 20, 2015 Pretrial Scheduling Order.

IT IS SO ORDERED.

Dated: December 4, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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