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11 Attorneys for Defendant/Cross-defendant,  
 12 VORTEX MARINE CONSTRUCTION, INC.

13 **UNITED STATES DISTRICT COURT**  
 14 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

15 WILLIAM GEORGE HARTUNG; ROBERT  
 16 LOUIS HARTUNG,

17 Plaintiffs,

18 v.

19 VORTEX MARINE CONSTRUCTION,  
 20 INC., GARY PAUL VELLA; DOES 1-10

21 Defendants.

Case No.: 2:15-cv-01034-WBS-AC

**STIPULATION EXTENDING  
 EXPERT DISCLOSURE DEADLINE  
 AND [PROPOSED] ORDER**

22 And related cross actions.

23 WHEREAS, the current deadline to complete expert disclosures pursuant to  
 24 F.R.C.P. 26 is set for April 15, 2016, with rebuttal expert disclosures due one month later;

25 WHEREAS, the current deadline to complete all discovery, including expert  
 26 discovery, is set for July 1, 2016;

27 WHEREAS, despite the diligence of the parties, substantial fact discovery necessary  
 28 for the parties' experts to prepare and disclose meaningful reports has yet to be completed,  
 including at least ten (10) depositions, one of which being defendant Gary Vella's, who has  
 been hospitalized and unavailable due to serious health issues, as well as the plaintiffs'  
 IME's which have yet to be completed due to their ongoing health issues (one of them is

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1 in rehab until at least early May). Accordingly, the necessary discovery cannot be  
2 completed by April 15, 2016. It is anticipated that the necessary fact discovery will be  
3 completed by June 1, 2016. Accordingly, the parties agree good cause exists to extend the  
4 deadline to disclose experts to June 30, 2016, and rebuttal experts to July 30, 2016.

5 WHEREAS, the new expert disclosure deadlines would afford the parties over three  
6 (3) months to complete expert discovery. However, in light of the number of expert  
7 witnesses anticipated to be called in this case, the parties agree that a discovery cutoff date  
8 of September 1, 2016 would be more appropriate. This would place the discovery cutoff  
9 deadline over two months in advance of trial, currently set for November 15, 2016. The  
10 parties do not wish to alter the trial date;

11 NOW, THEREFORE, the parties hereby stipulate and agree that the deadline to  
12 disclose experts shall be extended to June 30, 2016, the deadline to disclose rebuttal experts  
13 shall be extended to July 30, 2016, and the discovery cutoff deadline shall be extended to  
14 September 1, 2016, pending the Court's approval.

15 IT IS SO STIPULATED.

16  
17 Dated: March 31, 2016  
18 LAW OFFICES OF MARK S. NELSON  
Attorney for Plaintiffs,  
William Hartung and Robert Hartung

19 By:           /s/ Mark S. Nelson          

20  
21 Dated: March 31, 2016  
22 COX, WOOTTON, LERNER  
GRIFFIN & HANSEN LLP  
Attorneys for Defendant/Cross-defendant,  
Vortex Marine Construction, Inc.

23  
24 By:           /s/ Mark E. Tepper          

25 Dated: March 31, 2016  
26 DEMLER, ARMSTRONG  
& ROWLAND, LLP  
Attorneys for Defendant/Cross-defendant,  
Gary Vella

27  
28 By:           /s/ Paul M. Bessette          

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**CERTIFICATE OF SIGNATURES**


I attest that the content of this document is acceptable to attorneys Mark S. Nelson and Paul M. Bessette, and that each of them has authorized me to sign this document on their behalf.

**[PROPOSED] ORDER**

Pursuant to the parties' stipulation, it is hereby ORDERED that the current deadline for expert disclosures shall be vacated and reset for June 30, 2016, with rebuttal expert disclosures reset for July 30, 2016. It is further ORDERED that the current discovery cutoff deadline shall be vacated and reset for September 1, 2016.

IT IS SO ORDERED.

Dated: April 4, 2016

  
\_\_\_\_\_  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

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