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19 **UNITED STATES DISTRICT COURT**
20 **EASTERN DISTRICT OF CALIFORNIA**

21 EDWIN HOUSTON HAYES, GREG
22 KNAPP, and Mark Panozzo

23 Plaintiffs,
24 v.

25 DEPUY SYNTHES SALES, INC.,
JOHNSON & JOHNSON SERVICES,
26 INC.; SYNTHES, INC., and
SYNTHES USA SALES, LLC,

27 Defendants.
28

Case No.: 2:15-cv-01200-TLN-AC

*Assigned for all purposes to the
Honorable Troy L. Nunley*

**JOINT STIPULATION TO REVISE
CURRENT CASE SCHEDULE AND
ORDER THEREON**

Second Amended Complaint filed:
February 20, 2017

1 Defendants SYNTHES, INC., DEPUY SYNTHES SALES, INC.,
2 JOHNSON & JOHNSON SERVICES, INC. and SYNTHES USA SALES, LLC
3 (“Defendants”) and Plaintiffs EDWIN HOUSTON HAYES, GREG KNAPP and
4 MARK PANOZZO (“Plaintiffs”), (collectively referred to herein as “the Parties”)
5 by and through their undersigned counsel of record, hereby jointly stipulate and
6 respectfully request that the Court extend the fact discovery, expert disclosure,
7 dispositive motion deadlines and trial date for this litigation. In support of this
8 stipulation, the Parties state as follows:

9 WHEREAS, this Court entered its initial Pretrial Scheduling Order
10 (“Scheduling Order”) on November 13, 2015 (Docket number 12);

11 WHEREAS, the Parties have requested in good faith and received four
12 previous extensions to the fact discovery deadlines in this case based primarily on
13 the availability of witnesses and attorneys for depositions, ongoing settlement
14 discussions between the parties, and the proposed addition of new parties. (Docket
15 Nos. 15, 20, 27, and 30).

16 WHEREAS, on February 14, 2017, the Court approved the Parties’
17 stipulation to allow Plaintiffs to file an Amended Complaint to add Plaintiff Mark
18 Panozzo (“Plaintiff Panozzo”). As part of the stipulation, Defendants expressly
19 reserved all rights related to the Second Amended Complaint, including but not
20 limited to the right to challenge the viability of Plaintiff Panozzo’s claims (Docket
21 No. 32);

22 WHEREAS, on February 20, 2017, Plaintiffs filed their Second Amended
23 Complaint adding Plaintiff Panozzo to this action (Docket No. 34);

24 WHEREAS, the Parties agree that the current Scheduling Order does not
25 allow the Parties sufficient time to continue their good faith settlement discussions
26 and complete all necessary discovery, including but not limited to fact and
27 electronic discovery related to the newly added Plaintiff Panozzo, by the March 6,
28 2017 deadline;

1 WHEREAS, based on the progress of the case, the settlement discussions
2 between the Parties, and the newly added Plaintiff Panozzo, an extension of the
3 deadline for completing necessary fact discovery (and a corresponding extension of
4 other deadlines) and trial will allow the Parties to continue to engage in meaningful
5 settlement discussions and to adequately prepare for trial if those negotiations prove
6 unsuccessful;

7 WHEREAS, good cause exists for the proposed stipulated extension because
8 it will serve the interests of judicial economy by allowing the Parties to fully
9 explore the possibility settlement and adequately conduct all necessary fact
10 discovery, including electronic discovery, relating to Plaintiff Panozzo and will not
11 otherwise prejudice a timely resolution of this case;

12 THEREFORE, THE PARTIES HEREBY STIPULATE to, and seek an order
13 from this Court, continuing the deadlines and trial date contained in the Scheduling
14 Order as follows:

Event	Existing Deadline	Revised Deadline
Close of Fact Discovery	March 6, 2017	August 31, 2017
Expert Disclosures & Reports	March 20, 2017	September 14, 2017
Deadline to File Dispositive Motions	April 6, 2017	November 2, 2017
Joint Final Pretrial Statement	***	March 01, 2018
Final Pretrial Conference	August 24, 2017 at 2:00 p.m.	March 08, 2018
Trial Date	October 2, 2017 at 9:00 a.m.	May 7, 2018 at 9:00 a.m.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 DATED: February 27, 2016

/s/ Chad Saunders

3 (As authorized on 2/27/17; L.R. 131(e))

4 Attorney for Plaintiffs

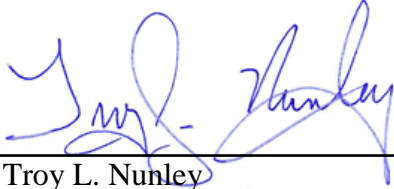
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6 DATED: February 27, 2017

/s/ Caroline P. Donelan

7 Attorney for Defendants

8 IT IS SO ORDERED:

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10 Dated: February 28, 2017

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13 Troy L. Nunley
14 United States District Judge
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