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 7 CNH INDUSTRIAL AMERICA, LLC,
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10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

13 WOODLAND TRACTOR AND
 EQUIPMENT CO., INC.,
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 Plaintiff,
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 v.
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 CNH INDUSTRIAL AMERICA, LLC,
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 Defendant.
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Case No. 2:15-CV-02042-MCE-DAD
**JOINT STIPULATION TO
 CONTINUE DISCOVERY CUT-OFF
 AND RELATED DEADLINES;
 ORDER**
 The Hon. Judge Morrison England, Jr. and
 The Hon. Magistrate Judge Edmund F.
 Brennan (temporary assignment)
 Action Filed: August 17, 2015

21 **TO THE HONORABLE COURT:**
 22 Plaintiff, Woodland Tractor and Equipment Co., Inc., and Defendant, CNH Industrial
 23 America, LLC, by and through their respective counsel of record, hereby join in requesting
 24 that the Court adjust the Pretrial Scheduling Order by continuing the discovery cut-off for both
 25 expert and non-expert discovery, as well as the Motion Hearing Schedule in order to allow the
 26 parties to complete necessary discovery and participate in a meaningful mediation.

27 This request is based upon the following stipulation and statement of counsel:
 28

1 1. Pursuant to the Court’s Amended Pretrial Scheduling Order [Dkt. # 18], all non-
2 expert discovery is to be completed by **June 2, 2017**.

3 2. Pursuant to the Court’s Amended Pretrial Scheduling Order [Dkt. # 16], expert
4 witness disclosures are to be made by **May 15, 2017**.

5 3. Pursuant to the Court’s Amended Pretrial Scheduling Order [Dkt. # 16], the last
6 day to hear dispositive motions is **August 24, 2017**.

7 2. Counsel for Plaintiff and Defendant have diligently and professionally worked
8 together to timely complete discovery. In addition to initial disclosures, the parties have
9 exchanged multiple sets of written discovery and requests for responsive documents, which
10 was necessary before commencing depositions.

11 3. To date, the parties have completed the following depositions:

12 a. James Burnside (Defendant’s former employee) (Session I; Session II is in
13 the process of being scheduled)

14 b. Brad Preston (Defendant’s employee)

15 c. Gary Chaney (Defendant’s employee)

16 d. Ray Duke (Defendant’s employee)

17 e. Seth Tansey (Defendant’s employee)

18 f. Jeff Huckins (Plaintiff’s President and CEO (Session I; Session II is in the
19 process of being scheduled)

20 g. Tari Vinson (Plaintiff’s former employee)

21 h. Jason Brown (Plaintiff’s former employee)

22 4. The parties are in the process of scheduling and completing the second sessions
23 of depositions of Jeff Huckins and James Burnside. Additionally, the parties are in the process
24 of scheduling the depositions of multiple 30(b)(6) witnesses, multiple third-party witnesses,
25 and multiple former employees of the parties.

26 5. Further, the parties have exchanged additional written discovery based upon the
27 testimony of the above-noted deponents. The parties have met and conferred, and continue to
28 work together to complete this outstanding discovery.

1 6. In light of the foregoing, both parties acknowledge and request that the non-
2 expert discovery cut-off to be continued to complete all outstanding discovery. Both parties
3 also acknowledge that the expert disclosure deadline and dispositive motion deadlines have
4 been correspondingly impacted. In order for the parties to make complete expert disclosures
5 and prepare fully supported dispositive motions, the completion of all non-expert discovery
6 must be done first.

7 7. Additionally, at the conclusion of non-expert discovery, the parties have
8 expressed interest and an intent to participate in private mediation in hopes of resolving this
9 matter prior to trial.

10 8. As the parties have been cooperating to complete discovery as efficiently as
11 possible, have agreed to complete the outstanding depositions and potential additional
12 discovery as soon as reasonably possible, have agreed that the completion of non-expert
13 discovery is necessary before completion of expert disclosures and dispositive motions, and
14 plan to participate in meaningful mediation, the parties request continuance of the non-expert
15 discovery completion deadline, expert disclosure deadline, and last day for hearing dispositive
16 motions (including the related Motion Hearing Schedule).

17 9. Accordingly, good cause exists to continue the non-expert discovery deadline
18 and the parties jointly request that the Court further amend the AMENDED PRETRIAL
19 SCHEDULING ORDER as follows:

Event	Current Deadline	Proposed Deadline
Completion of non-expert Discovery, as defined in Section I of Dkt. #16	June 2, 2016	August 14, 2017
Disclosure of Expert Witnesses	May 15, 2017, as set forth in Section II of Dkt. #16	September 4, 2017
Last Day to Hear Dispositive Motions and accompanying Motion Hearing Scheduling	August 24, 2017, as set forth in Section III of Dkt. #16	November 20, 2017

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Respectfully submitted,

Dated: May 11, 2017

HAIGHT BROWN & BONESTEEL LLP

By: 

R. BRYAN MARTIN
LAURA WILLIAMS
Attorneys for Defendant
CNH INDUSTRIAL AMERICA, LLC

Dated: May 11, 2017

KAHN, SOARES & CONWAY LLP

By: /s/ Rissa Stuart

RISSA STUART
Attorney for Plaintiff
WOODLAND TRACTOR & EQUIPMENT
CO.

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ORDER

Upon reviewing the parties Joint Stipulation to Continue the Discovery Cut-Off and Related Deadlines, and the Court finding good cause to modify its September 7, 2016 and March 16, 2017 Amended Pretrial Scheduling Orders, the Court Orders as follows:


The current non-expert discovery completion date of June 2, 2017, as defined in Section I of ECF No. 16, is hereby continued to **August 14, 2017**.

The current expert disclosure deadline of May 15, 2017, as defined in Section II of ECF No.16, is hereby continued to **September 4, 2017**.

The last day to hear dispositive motions of August 24, 2017 is hereby continued to **November 20, 2017**. The accompanying Motion Hearing Schedule, as set forth in Section III of ECF No. 16, shall be set from the new November 20 hearing date.

IT IS SO ORDERED.

Dated: May 16, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

Woodland Tractor v. CNH
2:15-CV-02042-MCE-DAD

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 2050 Main Street, Suite 600, Irvine, CA 92614.

On March 10, 2017, I served true copies of the following document(s) described as **JOINT STIPULATION TO CONTINUE NON-EXPERT DISCOVERY CUT-OFF; PROPOSED ORDER** on the interested parties in this action as follows:

Rissa A. Stuart, Esq.
Kahn, Soares & Conway, LLP
219 North Douty Street
Hanford. CA 93230

Counsel for Plaintiff
Tel: 559.584.3337
Fax: 559.584.3348
Email: rstuart@kschanford.com

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Haight Brown & Bonesteel LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Irvine, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on _____, 2017, at Irvine, California.

Lori Totri