

Haight

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 13 **UNITED STATES DISTRICT COURT**
 14 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**
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16 WOODLAND TRACTOR AND
 17 EQUIPMENT CO., INC.,
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 19 Plaintiff,
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 21 v.
 22 CNH INDUSTRIAL AMERICA, LLC,
 23
 24 Defendant.

Case No. 2:15-CV-02042-MCE-DAD

25 **JOINT STIPULATION TO**
 26 **CONTINUE DISCOVERY CUT-OFF**
 27 **AND RELATED DEADLINES;ORDER**

28 The Hon. Judge Morrison England, Jr. and
 The Hon. Magistrate Judge Edmund F.
 Brennan (temporary assignment)

Action Filed: August 17, 2015

TO THE HONORABLE COURT:

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

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

1 1. Pursuant to the Court's Order [Dkt. # 20], all non-expert discovery is to be
2 completed by **August 14, 2017**.

3 2. Pursuant to the Court's Order [Dkt. # 20], expert witness disclosures are to be
4 made by **September 4, 2017**.

5 3. Pursuant to the Court's Order [Dkt. # 20], the last day to hear dispositive
6 motions is **November 20, 2017**.

7 4. 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. The parties currently are engaged in
11 respective meet and confer efforts for recent written discovery each has propounded on the
12 other party.

13 5. To date, the parties have completed the following depositions:

14 a) James Burnside (Defendant's former employee) (Volume I)

15 b) Jame Burnside (Defendant's former employee) (Volume II)

16 c) Brad Preston (Defendant's employee)

17 d) Gary Chaney (Defendant's employee)

18 e) Ray Duke (Defendant's employee)

19 f) Seth Tansey (Defendant's employee)

20 g) Jeff Huckins (Plaintiff's President and CEO) (Volume I)

21 h) Jeff Huckins (Plaintiff's President and CEO) (Volume II)

22 i) Jeff Huckins (Plaintiff's President and CEO) (Volume III)

23 j) Tari Vinson (Plaintiff's former employee)

24 k) Jason Brown (Plaintiff's former employee)

25 6. The parties are also in the process of scheduling multiple 30(b)(6) witnesses and
26 plan to take the depositions of at least four more third-party witnesses. Additionally, the
27 parties are currently waiting for one witness (Larry Filbert, a former employee of Plaintiff) to
28 recover from certain health conditions that to date have made him unavailable for deposition.

1 7. Further, the parties have exchanged additional written discovery based upon the
2 testimony of the above-noted deponents. The parties have met and conferred, and continue to
3 work together to complete this outstanding discovery.

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

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

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

20 11. Accordingly, good cause exists to continue the non-expert discovery deadline
21 and the parties jointly request that the Court further amend the AMENDED PRETRIAL
22 SCHEDULING ORDER as follows:

Event	Current Deadline	Proposed Deadline
Completion of non-expert Discovery, as defined in Section I of Dkt. #16	August 14, 2017	September 29, 2017
Disclosure of Expert Witnesses	September 4, 2017	October 20, 2017
Last Day to Hear Dispositive Motions and accompanying	November 20, 2017	January 15, 2017

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Motion Hearing Scheduling		
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Respectfully submitted,

Dated: August __, 2017

HAIGHT BROWN & BONESTEEL LLP

By: _____
 R. BRYAN MARTIN
 FRANCES MA
 Attorneys for Defendant
 CNH INDUSTRIAL AMERICA, LLC

Dated: August __, 2017

KAHN, SOARES & CONWAY LLP

By: _____
 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 May 17, 2017 Order, the Court Orders as follows:

The current non-expert discovery completion date of August 14, 2017, is hereby continued to **September 29, 2017**.

The current expert disclosure deadline of September 4, 2017, is hereby continued to **October 20, 2017**.

The last day to hear dispositive motions of November 20, 2017 and the accompanying Motion Hearing Schedule is hereby continued to **January 15, 2017**.

The parties are ordered to file a Joint Notice of Trial Readiness not later than thirty (30) days after receiving this Court's ruling on the last filed dispositive motion. The parties are to set forth in their Notice of Trial Readiness, the appropriateness of special procedures, whether this case is related to any other case(s) on file in the Eastern District of California, the prospect for settlement, their estimated trial length, any request for a jury, and their availability for trial. After review of the parties' Joint Notice of Trial Readiness, the Court will issue an order that sets forth new dates for a final pretrial conference and trial.

IT IS SO ORDERED.

Dated: August 22, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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