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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
 14 EQUIPMENT CO., INC.,
 15 Plaintiff,
 16 v.
 17 CNH INDUSTRIAL AMERICA, LLC,
 18 Defendant.

Case No. 2:15-CV-02042-MCE-DB
**JOINT STIPULATION TO
 CONTINUE DISCOVERY CUT-OFF
 AND RELATED DEADLINES;
 ORDER**
 The Hon. Judge Morrison England, Jr.,
 presiding
 Action Filed: August 17, 2015

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

26 This request is based upon the following stipulation and statement of counsel:
 27 1. Pursuant to the Court’s Order [Dkt. # 24], all non-expert discovery is to be completed
 28 by **September 29, 2017.**

1 2. Pursuant to the Court's Order [Dkt. # 24], expert witness disclosures are to be made by
2 **October 20, 2017.**

3 3. Pursuant to the Court's Order [Dkt. # 24], the last day to hear dispositive motions is
4 **January 15, 2017.**

5 4. Counsel for Plaintiff and Defendant have diligently and professionally worked together
6 to timely complete discovery. In addition to initial disclosures, the parties have exchanged multiple
7 sets of written discovery and requests for responsive documents, which was necessary before
8 commencing depositions. The parties currently are engaged in respective meet and confer efforts for
9 recent written discovery each has propounded on the other party.

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

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

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

13 c) Brad Preston (Defendant's employee)

14 d) Gary Chaney (Defendant's employee)

15 e) Ray Duke (Defendant's employee)

16 f) Seth Tansey (Defendant's employee)

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

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

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

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

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

22 6. The parties have scheduled private mediation for February 13, 2018 in hopes of
23 resolving this matter prior to trial.

24 7. The parties are also finalizing schedules for depositions of multiple 30(b)(6) witnesses
25 and four additional third-party witnesses in the event the case does not resolve at the February 2018
26 mediation. Additionally, the parties are currently waiting for one witness (a former employee of
27 Plaintiff) to recover from certain health conditions that to date have made him unavailable for
28 deposition.

1 8. 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 work
3 together to complete this outstanding discovery.

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

9 10. As the parties have been cooperating to complete discovery as efficiently as possible,
10 have agreed to complete the outstanding depositions and potential additional discovery as soon as
11 reasonably possible in the event mediation is unsuccessful, have agreed that the completion of non-
12 expert discovery is necessary before completion of expert disclosures and dispositive motions, and
13 will participate in private mediation in February 2018, the parties request continuance of the non-
14 expert discovery completion deadline, expert disclosure deadline, and last day for hearing dispositive
15 motions (including the related Motion Hearing Schedule).

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

Event	Current Deadline	Proposed Deadline
Completion of non-expert Discovery, as defined in Section I of Dkt. #16	September 29, 2017	May 31, 2018
Disclosure of Expert Witnesses	October 20, 2017	June 29, 2018
Last Day to Hear Dispositive Motions and accompanying Motion Hearing Scheduling	January 15, 2017	September 21, 2018

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Respectfully submitted,

Dated: January 9, 2018

HAIGHT BROWN & BONESTEEL LLP

By: /s/ Bryan Martin
R. BRYAN MARTIN
LAURA WILLIAMS
Attorneys for Defendant
CNH INDUSTRIAL AMERICA, LLC

Dated: January 9, 2018

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 August 23, 2017 Order, the Court Orders as follows:

The current non-expert discovery completion date of September 29, 2017, is hereby continued to **May 31, 2018**.

The current expert disclosure deadline of October 20, 2017, is hereby continued to **June 29, 2018**.

The last day to hear dispositive motions of January 15, 2018 and the accompanying Motion Hearing Schedule is hereby continued to **September 21, 2018**.

IT IS SO ORDERED.

Dated: January 11, 2018


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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

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 Los Angeles, State of California. My business address is 555 South Flower Street, Forty-Fifth Floor, Los Angeles, CA 90071.

On January 9, 2018, I served true copies of the following document(s) described as **JOINT STIPULATION TO CONTINUE DISCOVERY CUT-OFF** 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
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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 Los Angeles, 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 January 9, 2018, at Los Angeles, California.

Sebrena Smith