

1 GARY R. BASHAM (SBN 130119)  
 NATHAN T. JACKSON (SBN 285620)  
 2 BASHAM LAW GROUP  
 8801 Folsom Blvd., Suite 177  
 3 Sacramento California 95826  
 Telephone: (916) 993-4840  
 4 Facsimile: (916) 266-7478  
 Email: gary@bashamlawgroup.com  
 5 nathan@bashamlawgroup.com

6 Attorneys for Plaintiff  
 JAMES PISANO

7 JAMES T. JONES (SBN 167967)  
 8 NICHOLAS D. POPER (SBN 293900)  
 JACKSON LEWIS P.C.  
 9 400 Capitol Mall, Suite 1600  
 Sacramento, California 95814  
 10 Telephone: (916) 341-0404  
 Facsimile: (916) 341-0141  
 11 Email: jonesj@jacksonlewis.com  
 nicholas.poper@jacksonlewis.com

12 Attorneys for Defendant  
 RESTAURANT TECHNOLOGIES, INC.

14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA

16 JAMES PISANO, an individual,  
 17 Plaintiff,  
 18 v.  
 19 RESTAURANT TECHNOLOGIES, INC.,  
 a Delaware Corporation ; and DOES 1–50  
 20 inclusive,  
 21 Defendants.

CASE NO. 2:16-cv-00859-MCE-CKD

**STIPULATION AND ORDER TO  
 CONTINUE DISCOVERY DEADLINE**

23 **IT IS HEREBY STIPULATED AND AGREED** by Plaintiff JAMES PISANO  
 24 (“Plaintiff”) and Defendant RESTAURANT TECHNOLOGIES, INC. (“Defendant”)  
 25 (collectively the “Parties”), by and through their respective counsel of record, that the deadline to  
 26 complete all discovery, with the exception of expert discovery, be continued from July 28, 2017  
 27 to September 11, 2017. All other pretrial deadlines will be governed by the Initial Pretrial  
 28 Scheduling Order issued on April 25, 2016, and the Order to Modify Initial Pretrial Scheduling

1 Order issued on February 27, 2017. Pursuant to Local Rule 144, the Parties confirm that one  
2 extension to the discovery cut-off deadline has been previously obtained for a period of 147 days.

3 The proposed continuance of the discovery cut-off deadline is proper under Federal Rule  
4 of Civil Procedure 16(b)(4), which allows the Court to modify a scheduling order upon a showing  
5 of good cause. Fed. R. Civ. Proc. 16(b)(4); *Johnson v. Mammoth Recreations, Inc.* (9<sup>th</sup> Cir. 1992)  
6 975 F.2d 604, 607-608. Good cause exists for the continuance of the discovery cut-off deadline.

7 Plaintiff filed a complaint in state court on March 3, 2016, alleging fourteen causes of  
8 action for wage and hour violations, wrongful termination, disability discrimination, and  
9 retaliation. Defendant removed the action to this Court on April 25, 2016. On or about June 24,  
10 2016, the Parties met and conferred pursuant to Federal Rule of Civil Procedure 26(f). Since  
11 then, the Parties have served their initial disclosures, as well as engaged in written discovery and  
12 numerous informal meet and confer discussions in a continued effort to address and resolve any  
13 outstanding discovery issues and disputes without court intervention. On February 27, 2017, the  
14 Parties sought and obtained an Order to Modify Initial Pretrial Scheduling Order due to the need  
15 for additional time to complete written discovery and depositions.

16 After the Court's February 27, 2017 Order was issued, the Parties began discussing the  
17 possibility of mediating this case and agreed to defer depositions until mediation was completed.  
18 The Parties attended mediation in good faith on May 31, 2017. Although no resolution was  
19 reached at the recent mediation, the Parties believe that progress was made, and they wish to  
20 continue negotiations to reach a resolution. The Parties have since agreed to continue their efforts  
21 to reach a resolution. Due to the discovery still outstanding, including nine depositions for  
22 Defendant's current and former employees (seven deponents are out of state, three deponents are  
23 former employees) as well as Plaintiff's deposition, the Parties believe it would be beneficial to  
24 postpone discovery and continue settlement discussions before incurring the significant costs  
25 associated with the depositions, which will be quite costly in this case. Additionally, due to  
26 scheduling conflicts and the time needed to complete numerous out of state depositions, the  
27 Parties do not anticipate completing discovery prior to the discovery cut-off deadline.

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1 No party will be prejudiced by a continuance of the discovery cut-off deadline. Moreover,  
2 no other pre-trial deadlines will be affected by a continuance of the discovery cut-off deadline.

3 Accordingly, the Parties believe the reasons set forth above establish good cause for the  
4 Court to grant this request. Specifically, the Parties stipulate and request that the Court issue an  
5 Order to continue the discovery cut-off deadline as follows:

6 A. All discovery, with the exception of expert discovery, shall be completed no later  
7 than **September 11, 2017**.

8 B. Except as stated herein, the Initial Pretrial Scheduling Order issued on April 25,  
9 2016, and Order to Modify Initial Pretrial Scheduling Order issued on February  
10 27, 2017, will continue to govern this case.

11 Dated: June 22, 2017

BASHAM LAW GROUP

12  
13 By: /s/ Gary R. Basham [as authorized on 06.22.17]  
14 GARY R. BASHAM  
NATHAN T. JACKSON

15 Attorneys for Plaintiff  
JAMES PISANO

16 Dated: June 22, 2017

JACKSON LEWIS P.C.

17  
18 By: /s/ Nicholas D. Poper  
19 JAMES T. JONES  
NICHOLAS D. POPER

20 Attorneys for Defendant  
RESTAURANT TECHNOLOGIES, INC.

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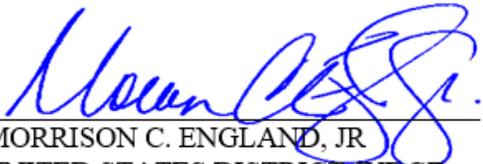
**ORDER**

Pursuant to the above Stipulation of the Parties, and good cause appearing, the discovery cut-off deadline is continued as follows:

- A. All discovery, with the exception of expert discovery, shall be completed no later than **September 11, 2017**.
- B. Except as stated herein, the Initial Pretrial Scheduling Order issued on April 25, 2016, and Order to Modify Initial Pretrial Scheduling Order issued on February 27, 2017, will continue to govern this case.

"  
**IT IS SO ORDERED.**

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"  
Date: June 26, 2017

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE