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13 and ANHEUSER-BUSCH, LLC

14 Additional Counsel Listed on Second Page.

15 **UNITED STATES DISTRICT COURT**  
16 **EASTERN DISTRICT OF CALIFORNIA**

18 DAVID SAN JUAN,

19 Plaintiff,

20 vs.

21 ANHEUSER-BUSCH INC., ANHEUSER-  
22 BUSCH, LLC, and DOES 1 through 10,

23 Defendants.  
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No. 2:16-cv-00861 DB

**STIPULATION AND ORDER TO MODIFY  
PRETRIAL SCHEDULING ORDER AS TO  
TRIAL DATE AND ALL RELATED  
DEADLINES**

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17 Attorney for Defendants  
18 ANHEUSER-BUSCH, INC.  
19 and ANHEUSER-BUSCH, LLC  
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1           **IT IS HEREBY STIPULATED AND AGREED**, pursuant to Eastern District of California  
2 Local Rule 144(a), by and between Plaintiff DAVID SAN JUAN (“Plaintiff”), by and through his  
3 attorneys of record, and Defendants ANHEUSER-BUSCH INC. and ANHEUSER-BUSCH, LLC  
4 (“Defendants”), by and through their attorneys of record, as follows:

- 5           1. WHEREAS, on April 25, 2016, Plaintiff filed a “Complaint for Damages and Declaratory  
6           and Injunctive Relief” (“Complaint”) against Defendants in the United States District Court,  
7           Eastern District of California;
- 8           2. WHEREAS, Defendants filed their “Answer to Plaintiff’s Complaint” on June 20, 2016;
- 9           3. WHEREAS, on August 22, 2016, the Court entered the Pre-Trial Scheduling Order (Doc.  
10           No. 18), which set forth a Trial Date on October 16, 2017, the Final Pre-Trial Conference on  
11           August 11, 2017, the deadline to complete discovery by April 14, 2017, and completion of  
12           non-discovery law and motion by June 2, 2017.
- 13           4. WHEREAS, Plaintiff and Defendants (the “Parties”), through their respective attorneys of  
14           record, agreed to stay discovery and focus initially on discovery needed to prepare for  
15           mediation;
- 16           5. WHEREAS, the parties participated in a full-day of mediation on January 31, 2016 which  
17           was not successful in resolving the matter;
- 18           6. WHEREAS, the parties wish to continue engaging in good faith settlement negotiations;
- 19           7. WHEREAS, the parties have diligently engaged in discovery to date, including four  
20           depositions taken by Plaintiff and Plaintiff’s first half-day of deposition taken by Defendants  
21           on November 4, 2016;
- 22           8. WHEREAS, the parties have insufficient time to complete depositions and other discovery  
23           necessary prior to the discovery completion date of April 14, 2017;
- 24           9. WHEREAS, Plaintiff’s counsel, Jean K. Hyams, of Levy Vinick Burrell Hyams LLP, serves  
25           as President of the California Employment Lawyers Association (“CELA”) and the current  
26           trial date of October 16, 2017 conflicts with the annual CELA conference and board meeting;

1 10. WHEREAS, Plaintiff's counsel's involvement in the CELA conference and board meeting is  
2 required;

3 11. WHEREAS, Defendant's counsel, Lisa Sween, of Jackson Lewis LLP, has very limited  
4 availability to participate in depositions between now and the current close of discovery due  
5 to another active matter;

6 12. WHEREAS, the Parties are working cooperatively to schedule the remaining discovery  
7 necessary to take place as soon as practicable, and to continue trial on a mutually agreeable  
8 date, subject to the Court's approval;

9 13. WHEREAS, the parties have agreed that all pretrial motions, except motions to compel  
10 discovery shall be briefed no later than June 9, 2017, with oppositions and replies to be filed  
11 no later than June 23, 2017 and June 30, 2017, respectively.

12 14. WHEREAS, Defendants' counsel is not available for trial prior to November 8, 2017.

13 15. WHEREAS, there have been no prior extensions of the trial date or any dates set by the  
14 Court, other than the expert disclosure deadlines;

15 BASED ON THE FOREGOING, the parties hereby stipulate to the following revised schedule  
16 and respectfully request that the Court modify the Pretrial Scheduling Order as set forth in the proposed  
17 schedule below:

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<b>Event</b>	<b>Prior Deadline</b>	<b>New Deadline</b>
Plaintiff shall disclose experts	March 17, 2017	May 5, 2017
Defendant shall disclose experts	March 31, 2017	May 19, 2017
Rebuttal experts	April 7, 2017	May 26, 2017
Non-expert discovery shall be completed by	April 14, 2017	May 19, 2017
Expert discovery shall be completed by		June 2, 2017
All pretrial motions, except motions to compel discovery, shall be briefed in	June 2, 2017	July 14, 2017

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1	accordance with the parties' agreement		
2	re modified briefing and completed by		
3	Final pre-trial conference	August 11, 2017	September 1, 2017
4	Trial	October 16, 2017	November 9, 2017

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6 **IT IS SO STIPULATED.**

7 Dated: March 7, 2017

**LEVY VINICK BURRELL HYAMS LLP**

8 /s/Jean K. Hyams

9 By:

10 Jean K. Hyams  
11 Rebecca G. Kagin  
12 Attorneys for Plaintiff  
13 DAVID SAN JUAN

14 I, Jean K. Hyams, attest that all other signatories listed, and on whose behalf this  
15 filing is submitted, concur in the contents of this form and have authorized the filing.

16 Dated: March 7, 2017

**JACKSON LEWIS P.C.**

17 /s/Lisa B. Sween

18 By:

19 Lisa Barnett Sween  
20 Angel R. Sevilla  
21 Attorneys for Defendants  
22 ANHEUSER-BUSCH, INC. and  
23 ANHEUSER-BUSCH, LLC  
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**ORDER**

The parties' stipulation, as modified below, is granted.

<b>Event</b>	<b>Prior Deadline</b>	<b>New Deadline</b>
Plaintiff shall disclose experts	March 17, 2017	May 5, 2017
Defendant shall disclose experts	March 31, 2017	May 19, 2017
Rebuttal experts	April 7, 2017	May 26, 2017
All discovery shall be completed by		June 2, 2017
All pretrial motions, except motions to compel discovery, shall be completed by	June 2, 2017	July 28, 2017
Final pre-trial conference	August 11, 2017	October 6, 2017
Trial	October 16, 2017	December 4, 2017

**IT IS SO ORDERED.**

Dated: March 7, 2017



DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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