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12 Attorneys for Plaintiff  
 13 Vision Service Plan

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

17 VISION SERVICE PLAN, a California not-  
 18 for-profit corporation,  
 19 Plaintiff,

20 v.

21 NOUVEAU VISION, INC., a Washington  
 Corporation; TIMOTHY J. SUTICH, an  
 22 individual; and DOES 1 through 50, inclusive,  
 23 Defendants.

Case No.: 2:16-cv-01049-TLN-KJN

**STIPULATION AND ORDER TO  
 MODIFY THE PRETRIAL  
 SCHEDULING ORDER**

**DATES MODIFIED FROM SUBMITTED  
 VERSION**

1 Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, Local Rule 144, and this  
2 Court's standing order, the parties hereby submit this stipulation and jointly apply for an order  
3 modifying the Pretrial Scheduling Order in this case as follows:

- 4 • The November 30, 2017 fact discovery deadline extended approximately 60 days to  
5 January 31, 2018.
- 6 • The January 31, 2018 expert disclosure deadline extended approximately 60 days to  
7 March 31, 2018.
- 8 • The February 22, 2018 dispositive motion deadline extended approximately 60 days to  
9 April 22, 2018.
- 10 • The May 17, 2018 final pretrial conference continued approximately 60 days to July  
11 17, 2018, with the Joint Final Pretrial Conference Statement deadline extended  
12 approximately 60 days from May 10, 2018 to July 10, 2018.
- 13 • The July 23, 2018 trial date continued approximately 60 days to September 24, 2018.

14 This Stipulation is submitted by Plaintiff Vision Service Plan ("VSP" herein) and  
15 Defendants Nouveau Vision, Inc. ("Nouveau" herein) and Timothy J. Sutich ("Sutich" herein)  
16 (collectively referred to as "Defendants"), through their respective counsel of record, for approval  
17 of an approximate sixty (60) day extension of all deadlines currently in place pursuant to the  
18 Court's scheduling orders. This request for an extension is made with reference to the following:

19 1. WHEREAS, the parties have been diligently working together to complete  
20 discovery and prepare for trial. The parties have agreed to defer completing the remaining two  
21 (2) depositions and defer other cut-off dates for approximately 60 days while they continue to  
22 negotiate a settlement of the entire case.

23 2. WHEREAS, the parties believe that the interests of justice will be served, and no  
24 parties will be prejudiced, by the granting of this continuance.

25 IT IS THEREFORE STIPULATED by and between Plaintiff VSP and Defendants  
26 Nouveau and Sutich, through their attorneys of record, to jointly request that the Court extend all  
27 deadlines in this case by approximately 60 days, and continue the trial for approximately 60 days.

28 IT IS SO STIPULATED.

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Dated: November 8, 2017

BENBROOK LAW GROUP, PC

By s/ Stephen M. Duvernay  
STEPHEN M. DUVERNAY  
Attorneys for Defendants

Dated: November 8, 2017

STERN & GOLDBERG

By s/ Alan N. Goldberg  
ALAN N. GOLDBERG  
Attorneys for Plaintiff

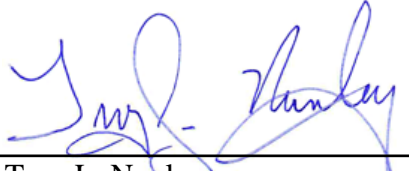
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**ORDER**

The Court accepts the foregoing Stipulation. The discovery cutoff and expert witness disclosure dates set forth in Sections IV and V of the Pretrial Scheduling Order, dated August 25, 2016, shall be continued as follows:

1. The discovery cutoff date shall be continued from November 30, 2017 to January 31, 2018.
2. The expert witness disclosure date shall be continued from January 31, 2018 to **April 2, 2018**.
3. The dispositive motion hearing deadline shall be continued from February 22, 2018 to **May 3, 2018**.
4. The final pretrial conference scheduled for May 17, 2018 is continued to **July 26, 2018, at 2:00 p.m.** The parties shall submit a Joint Final Pretrial Conference Statement on **July 19, 2018**.
5. The trial is continued from July 23, 2018 to September 24, 2018, at 9:00 a.m.
6. No other dates are being continued by this Order.

Dated: November 8, 2017

  
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Troy L. Nunley  
United States District Judge