

1 FREEMAN, MATHIS & GARY, LLP
TIMOTHY W. KENNA, A PROFESSIONAL CORPORATION / Bar No. 64280
2 t.kenna@gilbertkelly.com
GLENN M. KENNA / Bar No. 305092
3 gkenna@gilbertkelly.com
550 South Hope Street, 22nd Floor
4 Los Angeles, California 90071-2627
(213) 615-7000; FAX (213) 615-7100

5 Attorneys for Defendant
6 GEICO INSURANCE COMPANY

7 **KEVIN W. HARRIS, S.B.#133084**
Attorney at Law
8 1387 Garden Hwy., Ste. 200
Sacramento, CA 95833
9 Telephone: (916) 271-0688

10 **RYAN P. FRIEDMAN , S.B.N. 252244**
FRIEDMAN LAW FIRM, INC.
11 1383 Garden Hwy., Ste. 200
Sacramento, CA 95833
12 Telephone: (916) 800-4454
Attorneys for Plaintiff
13 ARSEN ABRAMYAN and NARINA
ZAKHARYAN

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

16 ARSEN ABRAMYAN and NARINA) Case No. 2:16-cv-01069-MCE-AC
17 ZAKHARYAN,)
18 Plaintiffs,) **STIPULATION TO MODIFY**
19 v.) **INITIAL PRETRIAL ORDER AND**
20 GEICO INSURANCE COMPANY, and) **JOINT RULE 26(F) REPORT**
Does 1-40, inclusive,) **REGARDING DATES OF**
21 Defendants.) **DISCOVERY CUT OFF, INITIAL**
) **DISCLOSURES, AND TRIAL**
) **DATE; ORDER THEREON**

22
23 It is hereby stipulated by the Parties in the instant action through their
24 attorneys of record as follows:

- 25 1. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the
26 parties held their discovery and planning conference by teleconference on July
27 18, 2016 and submitted a joint report filed on August 1, 2016.

28 //

1 2. At the time that the Joint Federal Rule of Civil Procedure, Rule
2 26(f) Joint Conference Report was filed, a motion to dismiss filed by Defendant
3 GEICO INSURANCE COMPANY was still pending before the Court.

4 3. At the time that the Joint Conference Report was filed the
5 parties believed that they would shortly be receiving a ruling from the Court.

6 4. At the time that the Joint Conference Report was filed the parties
7 had agreed to a trial date in or around August 2, 2017 and to a discovery
8 completion date in or around May 19, 2017.

9 5. At the time that the Joint Conference Report was filed, the Parties
10 agreed that Initial disclosures under Rule 26(a)(1) would be made on or before 21
11 days after the Court's ruling on defendant's 12(b)(6) motion to dismiss then set for
12 August 11, 2016.

13 6. At the time that the Joint Conference Report was filed, the
14 parties stipulated to the need to take the following discovery:

15 a. The Parties anticipated taking at least 6 depositions and
16 agreed that if the matter was converted into a class action they would waive the
17 10-deposition limit set out in Rule 30(a)(2)(A)(i). The parties agreed that
18 depositions shall not exceed 3 days or 21 hours. Depositions will be limited to 7
19 hours a day.

20 b. Interrogatories. Shall be conducted pursuant to Rule 33(a)(1)
21 except that each party shall be limited to fifty (50) interrogatories and responses
22 shall be due 45 days after service

23 c. Production of documents. Shall be conducted pursuant to Rule
24 34.

25 (3) Request for admissions. Shall be conducted pursuant to Rule 36.

26 7. Defendants have just recently filed an answer with the Court on
27 March 20 2017 and filed an amended answer March 31, 217, the case is now at
28 issue as an answer is on file.

1 8. Pursuant to their Rule 26(f) Joint Report the parties were waiting for
2 the court to make its ruling prior to engaging in discovery, so that the issues were
3 clear as to what discovery was warranted. Since the Order on the Motion to
4 Dismiss was not filed until March 10, 2017 and an answer not filed until March
5 20, 2017, good cause exists pursuant to Rule 16(b) of the Federal Rules of Civil
6 Procedure to amend the Pretrial Order Dated May 19, 2016, and the Stipulations
7 under Rule 26(f) to change the dates for initial disclosures, discovery cut off, and
8 the proposed trial dates as follows:

9 a. The Rule 26 initial disclosures shall occur on or before 4/21/17;

10 b. The Discovery Cut Off will be extended from May 19, 2016
11 until October 10, 2017 (approximately the length of time from the date the
12 original hearing on the motion to dismiss was to be heard on August 11, 2017
13 and the date the decision on the motion to dismiss was entered by the Court on
14 March 10, 2017.)

15 c. The Trial Date be scheduled on or about May 14, 2018.

16 Dated: March 31, 2017 GILBERT, KELLY, CROWLEY & JENNETT
17 LLP

18
19 By: /S/ GLENN M. KENNA
20 TIMOTHY W. KENNA, A
21 PROFESSIONAL CORPORATION
22 GLENN M. KENNA
Attorneys for Defendant
GEICO INSURANCE COMPANY

23 Dated: March 31, 2017 ATTORNEYS AT LAW

24
25 By: /S/ AS AUTHORIZED ON [DATE]
26 KEVIN W. HARRIS
27 Attorneys for Plaintiff
ARSEN ABRAMYAN and
28 NARINA ZACKARYAN

1 Dated: March 31, 2017

FRIEDMAN LAW FIRM, INC.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /S/ AS AUTHORIZED ON [DATE]
RAYN P. FRIEDMAN
Attorneys for Plaintiff
ARSEN ABRAMYAN and
NARINA ZACKARYAN

ORDER

Having determined that good cause exists under Federal Rule of Civil Procedure 16(b) to modify the Initial Pretrial Scheduling Order and the dates proposed in the Parties Rule 26 Report, the Court directs as follows:

- a. The Rule 26 initial disclosures shall occur on April 21, 2017;
- b. The Discovery Cut Off will be extended from May 19, 2016 until October 10, 2017 (approximately the length of time from the date the original hearing on the motion to dismiss was to be heard on August 11, 2017 and the date the decision on the motion to dismiss was entered by the Court on March 10, 2017.)
- c. In accordance with the Court’s Initial Pretrial Scheduling Order (ECF No. 3), disclosure of expert witnesses and the deadline for filing any dispositive motions shall be calculated in accordance with the extended discovery date. Also in accordance with the Scheduling Order, the parties are directed to file a Joint Notice of Trial Readiness at which time a trial date will be set.

IT IS SO ORDERED.

Dated: April 12, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE