

United States District Court
Eastern District of California

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SWIFT TRANSPORTATION COMPANY OF ARIZONA, LLC

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18 UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA

<p>20 BILL BARKER, TAB BACHMAN, and 21 WILLIAM YINGLING, individually and on behalf of others similarly situated, 22 Plaintiffs, 23 v. 24 SWIFT TRANSPORTATION 25 COMPANY OF ARIZONA, LLC, and DOES 1 – 10, Inclusive, 26 Defendants.</p>	<p>Case No. 2:16-cv-01532-TLN-CKD</p> <p>STIPULATION AND ORDER THEREON TO AMEND SCHEDULING ORDER</p> <p>Action Filed: April 1, 2016 Removed: July 5, 2016 Discovery Cutoff: July 31, 2017 Expert Witness Disclosures: July 27, 2017 Class Certification: September 21, 2017</p>
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1 Plaintiffs, Bill Barker, Tab Bachman and William Yingling (“Plaintiffs”) and
2 Defendant, Swift Transportation Company of Arizona, LLC (“Swift”), by and
3 through their respective counsel, and pursuant to USDC EDCA Local Rules 143 and
4 144(d) and Fed.R.Civ.P. 16(b), hereby stipulate and agree as follows:

5 WHEREAS, on or about September 6, 2016, this Court, pursuant to
6 Fed.R.Civ.P. 16(b) and the Fed.R.Civ.P. 26(f) Conference Statement of the parties,
7 issued a Pretrial Scheduling Order setting the expert disclosure deadline for any
8 expert to be used on class certification for July 27, 2017 (ECF No. 15). On May 31,
9 2017, the Court entered an Order setting the discovery cut-off for July 31, 2017
10 pursuant to the parties’ stipulation to extend the discovery cut-off for sixty (60) days
11 (ECF No. 22).

12 WHEREAS, due to scheduling difficulties, the parties were unable to schedule
13 the deposition of Swift pursuant to Fed.R.Civ.P. 30(B)(6) until August 25, 2017.

14 WHEREAS, the parties have been engaged in meet and confer
15 communications regarding Plaintiffs’ Responses to Request for Production, Set 1,
16 and Plaintiffs’ Responses to Interrogatories, Set 1 (the “Plaintiffs’ Challenged
17 Discovery Responses”). Plaintiffs have agreed to review their prior responses to this
18 discovery taking into consideration the concerns raised by Defendant in the meet and
19 confer process and provide updated responses to Plaintiffs’ Challenged Discovery
20 Responses by August 1, 2017.

21 WHEREAS, the parties have been engaged in meet and confer
22 communications regarding Defendant’s Responses to Plaintiffs’ Request for
23 Production of Documents, Set One. Defendants have stated the documents referenced
24 in their Third Supplemental Response will be produced by August 1, 2017.

25 WHEREAS, as a result of the outstanding discovery issues identified above,
26 the parties stipulate and agree (1) to an extension of the discovery cut-off until
27 September 8, 2017 for the limited purpose of allowing the parties to file any motions
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1 arising out of the testimony at the August 25, 2017 deposition; (2) to an extension of
2 the discovery cut-off until Sept. 11, 2017 for the limited purpose of resolving the
3 ongoing discovery dispute regarding Plaintiffs' Challenged Discovery Responses and
4 Defendant's Third Supplemental Response to Plaintiffs' Request for Production of
5 Documents, Set One; and (3) to an extension of the deadline for disclosure of any
6 expert to be used at the class certification stage until September 8, 2017.

7 WHEREAS, the parties have acted with diligence in trying to adhere to the
8 current pretrial deadlines but are making this request to the Court for modification of
9 the current scheduling order because absent an extension, the parties will be unable to
10 complete the expert disclosures and/or discovery.

11 WHEREAS, neither party will be prejudiced by the requested brief extensions
12 of the current discovery and expert disclosure deadlines.

13 NOW, THEREFORE, the parties, by their respective counsel, jointly propose
14 and stipulate to the following:

15 The deadlines in the Pretrial Scheduling Order previously set forth by the
16 Court shall be revised as follows, or set on such other date as the Court determines:

Event	Current Date	Proposed Date
Discovery Cut-Off for the limited purpose of filing a motion related to the testimony at the Rule 30(B)(6) deposition of Swift on August 25, 2017	July 31, 2017	September 8, 2017
Discovery Cut-Off for the limited purpose of resolving the ongoing discovery	July 31, 2017	September 11, 2017

1 2 3 4 5 6 7	dispute regarding Plaintiffs' Challenged Discovery Responses and Defendant's Third Supplemental Response to Plaintiffs' Request for Production of Documents, Set One		
8	Expert Disclosures Deadline	July 27, 2017	September 8, 2017

9
10 IT IS FURTHER STIPULATED and AGREED between the parties that all
11 other provisions of the Pretrial Scheduling Order of September 6, 2016 shall remain
12 in effect. This Stipulation may be signed in counterparts and any facsimile or
13 electronic signature will be valid as an original signature.

14 IT IS SO STIPULATED.

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16 Dated: July 31, 2017

SCOPELITIS, GARVIN, LIGHT, HANSON
& FEARY, P.C.

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18 By: /s/ Angela S. Cash
Angela S. Cash

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20 Attorneys for Defendant,

21 Dated: July 31, 2017

THE RDM LEGAL GROUP

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23 By: 
Russel Myrick

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25 Attorneys for Plaintiffs

1 **ORDER**

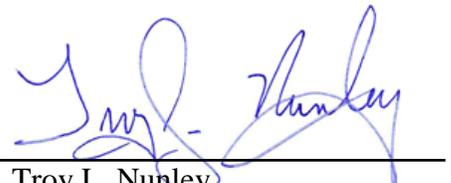
2 FOR GOOD CAUSE SHOWN, and pursuant to the Stipulation of the parties;
3 the deadlines in the Scheduling Order previously set forth by the Court are revised as
4 follows:

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Event	Current Date	Proposed Date
6 7 Discovery Cut-Off for the 8 limited purpose of filing a 9 motion related to the testimony 10 at the Rule 30(B)(6) deposition 11 of Swift on August 25, 2017	July 31, 2017	September 8, 2017
12 Discovery Cut-Off for the 13 limited purpose of resolving the 14 ongoing discovery dispute 15 regarding Plaintiffs' Challenged 16 Discovery Responses, and 17 Defendant's Third Supplemental 18 Response to Plaintiffs' Request 19 for Production of Documents, 20 Set One	July 31, 2017	September 11, 2017
21 Expert Disclosures Deadline	July 27, 2017	September 8, 2017

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23 IT IS SO ORDERED

24 Date: August 8, 2017

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26 Troy L. Nunley
27 United States District Judge
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