

United States District Court  
Eastern District of California

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16 ADDITIONAL COUNSEL LISTED ON NEXT PAGE

17  
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  <b>STIPULATION AND ORDER          THEREON TO AMEND          SCHEDULING ORDER</b>          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 and  
14 agreed to stipulate to extend the discovery cut-off until September 11, 2017 for  
15 certain limited purposes as specified in the Stipulation and Order Thereon to Amend  
16 Scheduling Order (ECF No. 28) filed July 31, 2017 and granted on August 8, 2017  
17 (ECF No. 29).

18 WHEREAS, the parties have been engaged in meet and confer  
19 communications regarding Plaintiffs’ Responses to Request for Production, Set 1,  
20 and Plaintiffs’ Responses to Interrogatories, Set 1 (the “Plaintiffs’ Challenged  
21 Discovery Responses”). Plaintiffs have been in the process of reviewing their prior  
22 responses to this discovery taking into consideration the concerns raised by  
23 Defendant in the meet and confer process but need an additional ten (10) days to  
24 provide updated responses to Plaintiffs’ Challenged Discovery Responses making  
25 these responses due by September 21, 2017.

26 WHEREAS, as a result of the outstanding discovery issues identified above,  
27 the parties stipulate and agree to an extension of the discovery cut-off until  
28

1 September 21, 2017 limited purpose of resolving the ongoing discovery dispute  
2 regarding Plaintiffs' Challenged Discovery Responses.

3 WHEREAS, the parties have acted with diligence in trying to adhere to the  
4 current pretrial deadlines but are making this request to the Court for modification of  
5 the current scheduling order because absent an extension, the parties will be unable to  
6 complete the discovery and, if necessary, to allow Defendant to pursue a discovery  
7 motion.

8 WHEREAS, neither party will be prejudiced by the requested brief extension.

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

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

Event	Current Date	Proposed Date
15 Discovery Cut-Off for the 16 limited purpose of resolving 17 the ongoing discovery 18 dispute regarding Plaintiffs' 19 Challenged Discovery 20 Responses and Defendant's 21 Third Supplemental 22 Response to Plaintiffs' 23 Request for Production of 24 Documents, Set One	September 11, 2017	September 21, 2017

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

5 IT IS SO STIPULATED.

6  
7 Dated: September 11, 2017

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

8  
9 By: /s/ Angela S. Cash  
Angela S. Cash

10 Attorneys for Defendant,  
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12 Dated: September 11, 2017

THE RDM LEGAL GROUP

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15 By: /s/ Russel D. Myrick  
Russel Myrick

16 Attorneys for Plaintiffs  
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**ORDER**

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

Event	Current Date	Proposed Date
Discovery Cut-Off for the limited purpose of resolving the ongoing discovery dispute regarding Plaintiffs' Challenged Discovery Responses, and Defendant's Third Supplemental Response to Plaintiffs' Request for Production of Documents, Set One	September 11, 2017	September 21, 2017

IT IS SO ORDERED

Dated: September 13, 2017

  
Troy L. Nunley  
United States District Judge