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16 BALL METAL BEVERAGE CONTAINER CORP.

17 **THE UNITED STATES DISTRICT COURT**
18 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
19 **SACRAMENTO DIVISION**

21 GEORGE WESTBROOK,

22 Plaintiff,

23 vs.

24 BALL METAL BEVERAGE CORP., a
25 Colorado corporation; and Does 1-100,
inclusive;

26 Defendant(s).

Case No. 2:16-CV-01569-WBS-CKD

**JOINT STIPULATION RE:
CONTINUATION OF DISCOVERY
DEADLINES AND [~~PROPOSED~~] ORDER**

[Originally Solano County Superior Court
Action No. FCS047162]

Removal Date: July 8, 2016
Trial Date: July 10, 2018

1 TO THE U.S. DISTRICT COURT, ALL PARTIES AND THEIR ATTORNEYS OF
2 RECORD:

3 Plaintiff GEORGE WESTBROOK (“Plaintiff”) and Defendant BALL METAL
4 BEVERAGE CONTAINER CORP. (“Defendant”), by and through their respective counsel,
5 hereby submit this Joint Stipulation pursuant to Federal Rule of Civil Procedures (“Fed. R. Civ.
6 P.”) 29 and Local Rules (“L.R.”) 143, 144, and 230(f) and respectfully request that the Court issue
7 an order granting this stipulation as set forth below pursuant to Fed. R. Civ. P. 29.

8 WHEREAS, on October 27, 2017, the Court issued an Order on the Parties’ Joint
9 Stipulation Re: Continuance of Trial and Discovery Deadlines that established updated discovery
10 deadlines this action and a new trial date.

11 WHEREAS the parties have engaged in substantial discovery including the exchange of
12 written discovery that included over two thousand documents and have completed the depositions
13 of Plaintiff and the depositions of several Defendant’s key witness.

14 WHEREAS, the Parties attempted in good faith to resolve this matter through mediation
15 Judge Bonnie Sabraw at ADR Services, Inc. on October 11, 2017 with in San Francisco.

16 WHEREAS, the parties were forced to cancel duly-noticed depositions of subpoenaed
17 witnesses, including Plaintiff’s health care providers, scheduled to take place in Vacaville,
18 California during the week of October 9, 2017 due to the North Bay fires. Those depositions were
19 rescheduled but have not yet been completed, and they may determine whether expert witnesses
20 must be retained for certain trial testimony.

21 WHEREAS, current discovery cut-off dates, motion dates, and dates for expert disclosure
22 are such that the parties would have difficulty now completing discovery and motions within the
23 current deadlines set.

24 WHEREAS, moving all discovery cut-off dates and expert disclosure as set forth below
25 would not impact or affect the current trial date set for July 10, 2018 or the Final Pretrial
26 Conference set for May 7, 2018.

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1 WHEREAS, the joint stipulation is not entered into with the intent to delay. By continuing
2 the discovery, expert disclosure and motion deadlines, there is no prejudice to any party.

3 WHEREAS the parties are not requesting a trial continuance.

4 WHEREAS, good cause exists for granting the Parties' request to extend the following
5 deadlines and continue the trial date in accordance with Fed. R. Civ. P. 29.

6 NOW, WHEREFORE, for the foregoing reasons and for good cause shown, the requested
7 stipulated deadline continuances are as follows:

8 a) The completion of non-expert discovery shall be extended from January 12, 2018 to
9 **February 26, 2018.**

10 b) The deadline to notice all motions to compel non-expert discovery shall be
11 extended from January 12, 2018 to **February 26, 2018.**

12 c) Extend expert disclosures in accordance with Federal Rule of Civil Procedure
13 26(a)(2) from January 22, 2018 to **March 8, 2018.**

14 d) Extend rebuttal expert disclosures in accordance with Federal Rule of Civil
15 Procedure 26(a)(2) from February 13, 2018 to **March 30, 2018.**

16 e) The completion of expert discovery shall be **April 23, 2018.**

17 f) The deadline to notice all motions to compel expert discovery shall be extended to
18 **April 23, 2018.**

19 g) The deadline to file all motions, except for continuances, temporary restraining
20 orders, or other emergency applications, shall be extended from April 2, 2018 to **April 23, 2018.**

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THEREFORE, the Parties hereby stipulate and agree to extend the aforementioned discovery deadlines as noted above.

Date: January 5, 2018

THE CARTWRIGHT FIRM, INC.

/s/ Maurice Fitzgerald
Maurice Fitzgerald
Robert E. Cartwright, Jr.
Attorneys for Plaintiff
GEORGE WESTBROOK

Date: January 5, 2018

FISHER & PHILLIPS LLP

/s/ Katherine P. Sandberg
Jason A. Geller
Annie Lau
Katherine P. Sandberg
Attorneys for Defendant
BALL METAL BEVERAGE CONTAINER CORP.

IT IS SO ORDERED.

Dated: January 9, 2018


Carolyn K. Delaney
CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE