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

GEORGE WESTBROOK,

Plaintiff(s),

vs.

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

Defendant(s).

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

**JOINT STIPULATION RE:  
CONTINUATION OF DISCOVERY  
DEADLINES AND ORDER**

[Originally Solano County Superior Court  
Action No. FCS047162]

Removal Date: July 8, 2016  
Trial Date: TBD

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 31, 2016, the Court issued a Status (Pretrial Scheduling) Order  
9 (Doc. 5) that established all discovery deadlines and set a jury trial for February 6, 2018 in this  
10 action;

11 WHEREAS, lead counsel for Defendant was engaged in a lengthy trial from November  
12 2016 until mid-February 2017.

13 WHEREAS, the Parties desire additional time for the completion of discovery.

14 WHEREAS, the Parties desire additional time to consider alternative dispute resolution.

15 WHEREAS, the joint stipulation is not entered into with the intent to delay. By continuing  
16 the discovery and motion deadlines as set forth above, ~~and continuing trial~~, there is no prejudice to  
17 any party.

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

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

22 a) The completion of non-expert discovery shall be extended from July 27, 2017 to  
23 **September 26, 2017.**

24 b) The deadline to notice all motions to compel non-expert discovery shall be  
25 extended from July 27, 2017 to **September 26, 2017.**

26 c) Extend expert disclosures in accordance with Federal Rule of Civil Procedure  
27 26(a)(2) from May 26, 2017 to **October 10, 2017.**

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1 d) Extend rebuttal expert disclosures in accordance with Federal Rule of Civil  
2 Procedure 26(a)(2) from June 30, 2017 to **October 30, 2017**.

3 e) The completion of expert discovery shall be **November 30, 2017**.

4 f) The deadline to notice all motions to compel expert discovery shall be extended  
5 **November 30, 2017**.

6 g) The deadline to file all motions, except for continuances, temporary restraining  
7 orders, or other emergency applications, shall be extended from September 25, 2017 to **November**  
8 **30, 2017**.

9 THEREFORE, the Parties hereby stipulate and agree to extend the aforementioned  
10 discovery deadlines as noted above. The dates for Final Pretrial Conference and Trial shall remain  
11 the same.

12  
13 Date: May 10, 2017

THE CARTWRIGHT FIRM, INC.

14 /s/ Maurice Fitzgerald

15 Maurice Fitzgerald  
16 Robert E. Cartwright, Jr.  
17 Attorneys for Plaintiff  
18 GEORGE WESTBROOK

19 Date: May 10, 2017

FISHER & PHILLIPS LLP

20 /s/ Annie Lau

21 Jason A. Geller  
22 Annie Lau  
23 Attorneys for Defendant  
24 BALL METAL BEVERAGE CONTAINER CORP.

25 **IT IS SO ORDERED, with modification above.**

26 Dated: May 12, 2017

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28 CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE