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

GEORGE WESTBROOK,

Plaintiff,

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 TRIAL DATE;
[PROPOSED] ORDER**

[Originally Solano County Superior Court
Action No. FCS047162]

Removal Date: July 8, 2016
Trial Date: February 6, 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 Procedure (“Fed. R. Civ. P.”)
6 29 and Local Rules (“L.R.”) 143, 144, and 230(f), and respectfully request that the Court issue an
7 order granting this stipulation as set forth below pursuant to Fed. R. Civ. P. 29.

8 WHEREAS, on May 5, 2017, the Court issued a Status (Pretrial Scheduling) Order that
9 established all updated discovery deadlines this action.

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

13 WHEREAS, the Parties have agreed to make a good faith effort to resolve this matter
14 though private mediation and have scheduled mediation on October 11, 2017 with Judge Bonnie
15 Sabraw (Ret.) at ADR Services, Inc. in San Francisco.

16 WHEREAS, the current discovery cut-off dates and dates for expert disclosure and motion
17 practice are such that the Parties would be incur substantial expense prior to mediation unless those
18 dates are moved.

19 WHEREAS the resources saved by continuing the dates set forth herein can be used to
20 attempt to resolve this matter. The Parties desire additional time for the completion of discovery if
21 mediation is unsuccessful.

22 WHEREAS, the joint stipulation is not entered into with the intent to delay. By continuing
23 the discovery and motion deadlines and briefly continuing trial, there is no prejudice to any Party.

24 WHEREAS the Parties have not previously requested a trial continuance.

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

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

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- a) Trial be continued from February 6, 2018 to **July 10, 2018 at 9:00 a.m.**
- b) Final Pretrial conference continued from December 4, 2017 to **May 7, 2018 at 1:30 p.m.**
- c) The completion of non-expert discovery shall be extended from September 26, 2017 to **November 13, 2017.**
- d) The deadline to notice all motions to compel non-expert discovery shall be extended from September 26, 2017 to **November 13, 2017.**
- e) Extend expert disclosures in accordance with Federal Rule of Civil Procedure 26(a)(2) from October 10, 2017 to **November 22, 2017.**
- f) Extend rebuttal expert disclosures in accordance with Federal Rule of Civil Procedure 26(a)(2) from October 30, 2017 to **December 15, 2017.**
- g) The completion of expert discovery shall be **January 22, 2018.**
- h) The deadline to notice all motions to compel expert discovery shall be extended **January 22, 2018.**
- i) The deadline to file all motions, including dispositive motions, except for continuances, temporary restraining orders, or other emergency applications, shall be extended from November 20, 2017 to **February 1, 2018.**

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

Date: August 24, 2017

THE CARTWRIGHT FIRM, INC.

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

Date: August 24, 2017


FISHER & PHILLIPS LLP

_____/S/_____
Jason A. Geller
Annie Lau
Attorneys for Defendant
BALL METAL BEVERAGE CONTAINER CORP.

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IT IS SO ORDERED.

Dated: August 25, 2017



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE