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11 *Attorneys for Plaintiffs, ROBERT WESTFALL, DAVID E. ANDERSON, LYNN BOBBY, and*  
 12 *DAVID ELLINGER*

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UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

ROBERT WESTFALL, DAVID E.  
 ANDERSON, LYNN BOBBY, and  
 DAVID ELLINGER,

Plaintiffs,

v.

BALL METAL BEVERAGE  
 CONTAINER CORP.,

Defendant.

Case No: 2:16-cv-02632-KJM-GGH

**JOINT FURTHER SCHEDULING  
 STIPULATION; ORDER**

1 Plaintiffs ROBERT WESTFALL, DAVID E. ANDERSON, LYNN BOBBY, DAVID  
2 ELLINGER (hereinafter, “Plaintiffs”), and Defendant BALL METAL BEVERAGE  
3 CONTAINER CORP. (hereinafter, “Defendant”) (hereinafter, collectively, the “Parties”),  
4 hereby stipulate as follows:

5 WHEREAS, on May 25, 2018, the Parties filed a joint stipulation to continue certain  
6 deadlines pertaining to a motion by Defendant pertaining to a trial plan and relief from the 10-  
7 deposition limit in Rule 30(a)(2)(A)(i) of the Federal Rules of Civil Procedure (Document No.  
8 075) (hereinafter, the “May 25 Stipulation”);

9 WHEREAS, the Court had not endorsed the May 25 Stipulation as of May 29, 2018,  
10 and accordingly on that date Defendant filed such a motion (Motion to Compel Plaintiff to  
11 Submit a Trial Plan and for Relief From 10-Deposition Limit, Document No. 076)  
12 (hereinafter, the “Motion”), which is set to be heard on June 28, 2018 at 10:00 a.m.;

13 WHEREAS, on June 4, 2018, the Court endorsed the May 25 Stipulation and entered  
14 its order thereon (Document No. 077);

15 WHEREAS, Plaintiffs’ Motion for Reconsideration (Document No. 065) in relation to  
16 the Court’s class certification order remains pending, with the Court indicating that it will rule  
17 without a hearing;

18 WHEREAS, on June 8, 2018, the Parties confirmed that they will be attending a  
19 second mediation with Alan Berkowitz, Esq. on August 1, 2018;

20 WHEREAS, the Parties do not believe it would be necessary or productive to for the  
21 Court to rule on the Motion prior to mediation, and that the parties should further meet and  
22 confer regarding the subject matter of such motion prior to any re-submission in the event that  
23 the case does not settle at mediation;

24 WHEREAS, the Parties stipulate that the Motion should be deemed withdrawn, subject  
25 to Defendant’s right to re-submit a further motion to compel a trial plan and for relief from  
26 discovery limits, following further meet and confer by the Parties should the case not settle at  
27 mediation;

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1 WHEREAS, the Parties do not wish to expend significant resources on additional pre-  
2 trial discovery prior to mediation, so that financial and other resources and be devoted to  
3 mediation and settlement, but the Parties want to ensure that they have sufficient time to  
4 complete pre-trial discovery in the event that the case does not settle at mediation;

5 NOW THEREFORE, the Parties stipulate that (1) the Motion should be taken off-  
6 calendar, subject to Defendant's right to re-submit a motion seeking to compel a trial plan and  
7 for relief from discovery limits after the August 1, 2018 mediation, (2) the Court should defer  
8 ruling on Plaintiffs' Motion for Reconsideration (Document No. 056) until after August 17,  
9 2018, and (3) the Court's May 10, 2018 Status (Pretrial Scheduling) Order should be amended  
10 as follows:

- 11 • Deadline for parties to report to the Court regarding the status of mediation and  
12 settlement, and meet and confer efforts concerning a trial plan and stipulations  
13 concerning relief from discovery limits – August 17, 2018;
- 14 • Deadline for Defendant to file a further motion to compel a trial plan and for relief  
15 from discovery limits – August 24, 2018;
- 16 • Deadline to complete fact discovery – continued from September 30, 2018 to  
17 November 30, 2018;
- 18 • Disclosure of expert witnesses/signed reports pursuant to Fed R. Civ. P. 26(a)(2)(B) –  
19 continued from October 28, 2018 to December 28, 2018;
- 20 • Supplemental expert witness disclosures – continued from November 22, 2018 to  
21 January 25, 2019;
- 22 • Completion of expert discovery – continued from December 27, 2018 to February 22,  
23 2019; and

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- 1 • Deadline for hearing on dispositive motions – continued from January 25, 2019 to  
2 March 29, 2019.

3  
4 Dated: June 11, 2018 FISHER & PHILLIPS LLP

5  
6 By: /s/ Christopher M. Ahearn  
7 JOHN K. SKOUSEN  
8 CHRISTOPHER M. AHEARN  
9 Attorneys for Defendant  
10 BALL METAL BEVERAGE CONTAINER CORP.

11  
12 Dated: June 11, 2018 EASON & TAMBORNINI, ALC

13  
14 By: /s/ Matthew R. Eason (authorized on June 12, 2018)  
15 MATTHEW R. EASON  
16 ERIN M. SCHARG  
17 Attorneys for Plaintiffs ROBERT WESTFALL,  
18 DAVID E. ANDERSON, LYNN BOBBY, and  
19 DAVID ELLINGER

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22 **ORDER**

23 Pursuant to the foregoing stipulation and joint report, and good cause appearing  
24 therefor, IT IS ORDERED that:

25 Defendant’s Motion to Compel Plaintiff to Submit a Trial Plan and for Relief From  
26 10-Deposition Limit (Document No. 076) is off-calendar. Defendant may submit a motion  
27 seeking relief from discovery limits on or before August 24, 2018.

28 The Court will defer ruling on Plaintiffs’ Motion for Reconsideration (Document No.  
056) until after August 17, 2018.

The May 10, 2018 Status (Pretrial Scheduling) Order is amended as follows:

- Deadline for parties to report to the Court regarding the status of mediation and settlement – August 17, 2018;
- Deadline to complete fact discovery– continued from September 30, 2018 to November 30, 2018;

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- Disclosure of expert witnesses/signals reports pursuant to Fed R. Civ. P. 26(a)(2)(B) – continued from October 28, 2018 to December 28, 2018;
- Supplemental expert witness disclosures – continued from November 22, 2018 to January 25, 2019;
- Completion of expert discovery –continued from December 27, 2018 to February 22, 2019; and
- Deadline for hearing on dispositive motions – continued from January 25, 2019 to March 29, 2019.

DATED: June 13, 2018.



UNITED STATES DISTRICT JUDGE