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11 Attorneys for Defendant  
 12 PATHLOGIC NOW, aka NEOGENOMICS

13 UNITED STATES DISTRICT COURT  
 14 EASTERN DISTRICT OF CALIFORNIA

15 HEATHER RICHARDSON,

16 Plaintiff,

17 v.

18 PATHLOGIC NOW, aka NEOGENOMICS

19 Defendant.

CASE NO. 2:16-CV-02687-TLN-GGH

Assigned for All Purposes to:  
 The Hon. Troy L. Nunley

**STIPULATION AND ORDER TO  
 AMEND SCHEDULING ORDER**

Complaint Filed: November 14, 2016  
 Discovery Cutoff: January 31, 2018  
 Pretrial Conf.: November 1, 2018  
 Trial: January 14, 2019

22 Plaintiff Heather Richardson (“Plaintiff”) and Defendant Pathlogic Now, aka  
 23 NeoGenomics (“Defendant”), by and through their respective attorneys of record, and pursuant to  
 24 USDC ED CA Local Rules 143 and 144(d) and Federal Rule of Civil Procedure 16(b), hereby  
 25 stipulate and agree as follows:

26 **WHEREAS**, on or about June 16, 2017, this Court, pursuant to Federal Rule of Civil  
 27 Procedure (“FRCP”) 16(b) and the FRCP 26(f) Joint Status Report of the parties, issued a Pretrial  
 28

1 Scheduling Order, setting the close of fact discovery on January 31, 2018, setting the case for  
2 trial, and establishing an initial January 14, 2019 trial date (Doc. 23);

3 **WHEREAS**, the parties worked diligently towards completing fact discovery and  
4 successfully completed fact discovery within the January 31, 2018 deadline;

5 **WHEREAS**, the parties' fruitful discovery efforts have enabled them to engage in a good  
6 faith settlement effort. Such discussions are ongoing, and the parties continue to meet and confer  
7 over whether a resolution can be achieved;

8 **WHEREAS**, the Pretrial Scheduling Order includes a March 30, 2018 deadline for expert  
9 disclosures;

10 **WHEREAS**, the parties are reluctant to expend further time and resources litigating the  
11 action while they are seriously evaluating the merits of pre-trial resolution, especially where the  
12 necessary expenditures to litigate this action may preclude a successful pre-trial resolution;

13 **WHEREAS**, the parties have acted with diligence in trying to adhere to the current  
14 pretrial deadlines but are making this requests to the Court for modification of the current  
15 scheduling order because absent an extension, the parties will have no choice but to immediately  
16 have experts work in earnest on their respective Rule 26 Reports;

17 **WHEREAS**, neither party will be prejudiced by a three-month continuance of the current  
18 trial date and related pretrial deadlines; and

19 **WHEREAS**, there have been no previous requests to amend the Pretrial Scheduling  
20 Order.

21 **NOW THEREFORE**, the parties, through their respective counsel, jointly propose and  
22 stipulate to the following:

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

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<u>Event</u>	<u>Current Date</u>	<u>Proposed New Date</u>
Expert Disclosures and Reports	March 30, 2018	May 30, 2018
Rebuttal Expert Disclosures	April 19, 2018	June 19, 2018
Dispositive Motion Hearing Cut-Off	July 26, 2018	September 27, 2018
Joint Final Pretrial Conference Statement	October 25, 2018	January 2, 2019
Final Pretrial Conference	November 1, 2018	January 8, 2019
Trial	January 14, 2019	March 11, 2019

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10 **IT IS FURTHER STIPULATED AND AGREED** between the parties that all other  
11 provisions of the Pretrial Scheduling Order of June 26, 2017 shall remain in effect. This  
12 Stipulation may be signed in counterparts and any facsimile or electronic signature shall be valid  
13 as an original signature.

14 **IT IS SO STIPULATED.**

15  
16 Dated: March 30, 2018

ENSMINGER LAW OFFICES

17 By: /s/ D. Randall Ensminger (as authorized on 3/30/18)  
18 D. RANDALL ENSMINGER

19 Attorneys for Plaintiff  
HEATHER RICHARDSON

20  
21 Dated: March 30, 2018

JACKSON LEWIS P.C.

22 By: /s/ Dale R. Kuykendall  
23 DALE R. KUYKENDALL  
SIERRA VIERRA

24 Attorneys for Defendant  
PATHLOGIC NOW aka NEOGENOMICS

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**ORDER**

**FOR GOOD CAUSE SHOWN**, and pursuant to the Stipulation of the parties, the deadlines in the Pretrial Scheduling Order (Doc. 23) previously set forth by the Court are revised as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Expert Disclosures and Reports	March 30, 2018	May 30, 2018
Rebuttal Expert Disclosures	April 19, 2018	June 19, 2018
Dispositive Motion Hearing Cut-Off	July 26, 2018	<b>September 20, 2018</b>
Joint Final Pretrial Conference Statement	October 25, 2018	<b>January 3, 2019</b>
Final Pretrial Conference	November 1, 2018	<b>January 10, 2019, at 2:00 p.m.</b>
Trial	January 14, 2019	<b>March 11, 2019, at 9:00 a.m.</b>

**IT IS SO ORDERED.**

**Dated: April 9, 2018**

  
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Troy L. Nunley  
United States District Judge