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11 Attorneys for Plaintiff,  
 12 CSAA INSURANCE EXCHANGE

13 **UNITED STATES DISTRICT COURT**  
 14 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**  
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16 CSAA INSURANCE EXCHANGE, as  
 17 subrogee of Pedro Casteneda, Maria  
 DeRodriguez, Tongo Inthilath; Andrew &  
 18 Dena Savage; Audry Ngo,  
 19 Plaintiff,  
 20 v.  
 21 BROAN-NUTONE LLC and DOES 1 through  
 50, inclusive,  
 22 Defendants.  
 23

Case No. 2:16-CV-02929-TLN-AC

**PARTIES' SECOND STIPULATION AND  
 REQUEST TO MODIFY THE PRE-  
 TRIAL SCHEDULING ORDER; AND  
 ORDER THEREON**

Date: TBD  
 Time: TBD  
 Location: TBD

Honorable Judge Troy L. Nunley

Trial: June 3, 2019

24 **TO THE HONORABLE COURT**, pursuant to Federal Rule of Civil Procedure 16(b)(4),  
 25 this Court's Pre-Trial Scheduling Order (ECF No. 6), and Honorable Troy L. Nunley's Standard  
 26 Information, plaintiff CSAA Insurance Exchange ("Plaintiff"), and Defendant Broan-NuTone LLC  
 27 ("Defendant") (collectively the "Parties"), by and through their respective counsel of record, hereby  
 28

1 stipulate, agree, and request that the Court modify the Pre-Trial Scheduling Order (“Scheduling  
2 Order”) (ECF No. 6), for which good cause exists, as follows:

3       **WHEREAS**, this subrogation action arises from seven separate claims involving Plaintiff’s  
4 insureds. Plaintiff alleges that each of its insured’s properties contained ceiling fans designed and  
5 manufactured by Defendant. Plaintiff has asserted causes of action for Strict Product Liability,  
6 Failure to Warn, Negligence, Negligent Failure to Recall/Retrofit, and violation of the Consumer  
7 Legal Remedies Act of California (Civil Code section 1750, et seq.)

8       **WHEREAS**, on February 15, 2017, this Court issued its Scheduling Order, setting forth the  
9 following deadlines and dates:

10	Completion Of Fact Discovery:	June 29, 2018
11	Disclosure Of Expert Witnesses:	August 30, 2018
12	Disclosure Of Rebuttal Expert Witnesses:	September 19, 2018
13	Last Day To Hear Dispositive Motions:	January 10, 2019
14	Last Day To File Joint Final Pre-Trial Conference Statement:	March 28, 2019
15	Final Pre-Trial Conference:	April 4, 2019
16	Last Day To File Trial Briefs:	May 20, 2019
17	Trial:	June 3, 2019

18       **WHEREAS**, thereafter, the parties have actively pursued discovery. The Parties have  
19 exchanged written discovery and production of documents, subpoenaed records from  
20 knowledgeable third-parties, and engaged in good faith efforts to resolve certain discovery disputes  
21 in an effort to avoid consuming Court resources, and protracted litigation. In addition, the Parties  
22 have taken thirteen (13) depositions, including witnesses to the subject fire(s), responding  
23 emergency personnel and investigators, and Plaintiff’s and Defendant’s Person(s) Most Qualified as  
24 to certain topics.

25       **WHEREAS**, on June 21, 2018, this Court continued the discovery deadline until July 30,  
26 2018. (ECF No. 27.) No other modifications to the Scheduling Order were made.

27       **WHEREAS**, on August 21, 2018, pursuant to the parties’ first stipulation and request to  
28 modify the Scheduling Order, this Court continued the deadline to disclose experts and

1 supplemental experts, and modified the Scheduling Order as follows:

2	Disclosure Of Expert Witnesses:	October 1, 2018
3	Disclosure Of Rebuttal Expert Witnesses:	October 22, 2018
4	Last Day To Hear Dispositive Motions:	January 10, 2019
5	Last Day To File Joint Final Pre-Trial Conference Statement:	March 28, 2019
6	Final Pre-Trial Conference:	April 4, 2019
7	Last Day To File Trial Briefs:	May 20, 2019
8	Trial:	June 3, 2019

9 **WHEREAS**, Defendant filed its second Motion to Sever and Dismiss Plaintiff's Claims,  
 10 which is set for October 4, 2018; and Plaintiff filed its Motion for Leave to File its Second-  
 11 Amended Complaint, which is set for the same day.

12 **WHEREAS**, given the trial date is currently scheduled on June 3, 2019, the Parties believe  
 13 the Scheduling Order can be modified to extend the deadline to disclose experts and supplemental  
 14 experts, thus allowing the Parties and the Court sufficient time to hear the needed motions. In  
 15 addition, the deadline to hear dispositive motions should be continued respectively to permit the  
 16 Parties to file any necessary dispositive motion after the conclusion of expert discovery.

17 **THEREFORE**, the Parties stipulate, and respectfully request that this Court enter an order  
 18 so modifying the Scheduling Order (ECF No. 6) as follows, or upon such dates thereafter that are  
 19 convenient to the Court:

20	Disclosure Of Expert Witnesses:	October 25, 2018
21	Disclosure Of Rebuttal Expert Witnesses:	November 15, 2018
22	Last Day To Hear Dispositive Motions:	February 7, 2019
23	Last Day To File Joint Final Pre-Trial Conference Statement:	March 28, 2019
24	Final Pre-Trial Conference:	April 4, 2019
25	Last Day To File Trial Briefs:	May 20, 2019
26	Trial:	June 3, 2019

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Dated: September 19, 2018

HAIGHT BROWN & BONESTEEL LLP

By:           /s/ Krsto Mijanovic          

Krsto Mijanovic  
Steven A. Scordalakis  
Attorneys for Defendant  
BROAN-NUTONE LLC

Dated: September 19, 2018

Jang & Associates, LLP

By:           /s/ Sally Noma          

Alan J. Jang  
Sally Noma  
Attorneys for Plaintiff,  
CSAA INSURANCE EXCHANGE

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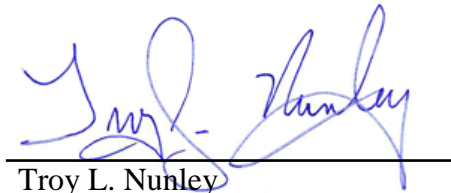
**ORDER**

**COME NOW**, the Parties' Second Stipulation and Request to Modify the Pre-Trial Scheduling Order came before this Court. Having found good cause therein, this Court modifies the Pre-Trial Scheduling Order (ECF No. 6) as follows:

- Disclosure Of Expert Witnesses: October 25, 2018
- Disclosure Of Rebuttal Expert Witnesses: November 15, 2018
- Last Day To Hear Dispositive Motions: February 7, 2019
- Last Day To File Joint Final Pre-Trial Conference Statement: March 28, 2019
- Final Pre-Trial Conference: April 4, 2019
- Last Day To File Trial Briefs: May 20, 2019
- Trial: June 3, 2019

**IT IS SO ORDERED**

Dated: September 25, 2018




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Troy L. Nunley  
United States District Judge