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 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' THIRD 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

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

1 (“Defendant”) (collectively the “Parties”), by and through their respective counsel of record, hereby
2 stipulate, agree, and request that the Court modify the Pre-Trial Scheduling Order (“Scheduling
3 Order”) (ECF No. 6), for which good cause exists, as follows:

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

9 **WHEREAS**, on February 15, 2017, this Court issued its Scheduling Order.

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

17 **WHEREAS**, on June 21, 2018, this Court continued the discovery deadline until
18 July 30, 2018. (ECF No. 27.)

19 **WHEREAS**, on August 21, 2018, pursuant to the Parties’ First Stipulation and Request to
20 Modify the Scheduling Order, this Court modified the Scheduling Order and continued the deadline
21 to disclose experts and supplemental experts. (ECF No. 33.)

22 **WHEREAS**, Defendant filed its second Motion to Sever and Dismiss Plaintiff’s Claims,
23 which was set for October 4, 2018; and Plaintiff filed its Motion for Leave to File its Second-
24 Amended Complaint, which was set for the same day (the “Parties’ Motions”). (ECF Nos. 34 and
25 35.)

26 **WHEREAS**, on September 25, 2018, pursuant to the Parties’ Second Stipulation and
27 Request to Modify the Scheduling Order, this Court modified the Scheduling Order and continued
28 the deadline to disclose experts and supplemental experts, as well as the last day to hear dispositive

1 motions, to allow the Court sufficient time to hear the Parties’ Motions. The Court ordered as
2 follows:

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

10 (ECF No. 41.)

11 **WHEREAS**, on September 27, 2018, this Court took the Parties’ Motions under
12 submission, and vacated the hearings thereon. (ECF No. 45.)

13 **WHEREAS**, on October 25, 2018, the Parties disclosed experts. The Parties now desire to
14 engage in mediation in an effort to resolve this matter prior to disclosing supplemental experts.
15 With a trial date of June 3, 2019, the Parties believe that good cause exists to modify the Scheduling
16 Order as proposed.

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THEREFORE, the Parties request the Court modify the Scheduling Order as follows:

Disclosure Of Rebuttal Expert Witnesses:	November 29, 2018
Last Day To Hear Dispositive Motions:	February 21, 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

Dated: November 9, 2018 Haight Brown & Bonesteel LLP

By: /s/ Krsto Mijanovic
 Krsto Mijanovic
 Steven A. Scordalakis
 Attorneys for Defendant
 BROAN-NUTONE LLC

Dated: November 9, 2018 Jang & Associates, LLP

By: /s/ Sally Noma
 Alan J. Jang
 Sally Noma
 Attorneys for Plaintiff,
 CSAA INSURANCE EXCHANGE

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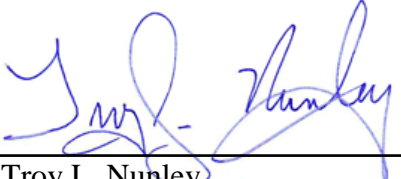
ORDER

COME NOW, the Parties' Third 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 Rebuttal Expert Witnesses:	November 29, 2018
Last Day To Hear Dispositive Motions:	February 21, 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: November 9, 2018



Troy L. Nunley
United States District Judge