

1 Robert A. Weikert (SBN 121146)
 rweikert@nixonpeabody.com
 2 Aldo E. Ibarra (SBN 268585)
 aibarra@nixonpeabody.com
 3 NIXON PEABODY LLP
 One Embarcadero Center, 18th Floor
 4 San Francisco, CA 94111
 Tel: 415-984-8200
 5 Fax: 415-984-8300

6 Gina M. McCreddie, PHV
 Nixon Peabody, LLP
 7 100 Summer Street
 Boston, MA 02110
 8 617-345-6189
 Fax: 866-812-3848
 9 Email: gmccreadie@nixonpeabody.com

10 Attorneys for Defendant
 11 VIC FIRTH COMPANY

12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA

15 GERALD A. FORREST, an individual doing
 business as GOSPELCHOPS,
 16
 Plaintiffs,
 17
 v.
 18 VIC FIRTH COMPANY, a Massachusetts
 19 corporation,
 20 Defendant.

Case No. 2:16-cv-02981-KJM-EFB

Hon. Kimberly J. Mueller

**STIPULATION AND [ORDER FOR
 EXTENSION OF TIME FOR
 DEFENDANT TO RESPOND TO
 PLAINTIFF'S FIRST SET OF
 WRITTEN DISCOVERY
 REQUESTS**

Local Rule 144(a)

22 Plaintiff GERALD A. FORREST, an individual doing business as GOSPELCHOPS
 23 (“Plaintiff”), and Defendant VIC FIRTH COMPANY (“Defendant”), collectively referred to as
 24 the “Parties,” through their respective attorneys, hereby stipulate to an extension of time for
 25 Defendant to serve its responses to Plaintiff’s First Set of Interrogatories; First Set of Requests for
 26 Production of Documents; and First Set of Requests for Admissions to Defendant (together, the

1 “Written Discovery”), as set forth in detail below.

2 On May 16, 2017, Plaintiff served Defendant with the Written Discovery. The Parties
3 have arranged for a mediation to take place on July 28, 2017 before Glenn Peterson through the
4 Court’s VDRP program. After a meet and confer, the Parties identified and, in some cases,
5 narrowed the discovery requests most important for Plaintiff to obtain prior to mediation and
6 agreed, in order to allow for sufficient time to focus on and engage in a meaningful mediation, to
7 extend Defendant’s deadline for responding to the remaining Written Discovery by 60 days, until
8 August 14, 2017.

9 Specifically, Defendant agrees to provide, via electronic service, to the maximum extent
10 practicable, meaningful answers (*i.e.*, substantive responses rather than responses consisting only
11 of objections and a refusal to answer) to the following discovery requests on or before July 12,
12 2017:

- 13 1. Request for Production No. 2 (excluding any documents, such as invoices or purchase
14 orders, reflecting only Plaintiff’s purchase(s) of drumsticks from Defendant);
- 15 2. Request for Production Nos. 3-5, 8-12, and 14-16;
- 16 3. Request for Production No. 17 (limited to address only those of Defendant’s products
17 identified by Plaintiff’s counsel via email to Defendant’s counsel on June 22, 2017);
- 18 4. Interrogatories 7, 9, and 10.

19 By narrowing certain requests for purposes of pre-mediation discovery, Plaintiff does not
20 waive any right to obtain responses to the requests as originally drafted on August 14, 2017 or
21 such other post-mediation date as may be acceptable to Plaintiff.

22 As stated above, the Parties agree to extend the deadline for Defendant to respond to all
23 other currently outstanding Written Discovery to August 14, 2017. Specifically, the extension to
24 August 14, 2017 shall apply to:

- 25 1. Each and every Request in Plaintiff’s First Set of Requests for Admission;
- 26 2. Request for Production Nos. 1, 6, 7, 13, and 18-27; and

1 3. Interrogatories 1-6, 8, and 11.

2 An extension to August 14, 2017, however, would exceed twenty-eight days and require
3 Court approval as provided by Local Rule 144(a). Based upon the foregoing, the Parties
4 respectfully request that the Court enter an order expanding the time for Defendant to serve its
5 responses to the Written Discovery as set forth above.

6 Good cause exists for this extension as the Parties are engaging in meaningful settlement
7 negotiations and will attend and participate in good faith in the mediation on July 28, 2017. This
8 is the Parties' first request for an extension in connection with the Written Discovery.

9 This document is being electronically filed through the Court's ECF System. In this
10 regard, counsel for Defendant hereby attests that (1) the content of this document is acceptable to
11 all persons required to sign the document; (2) Plaintiff's counsel has concurred with the filing of
12 this document; and (3) a record supporting this concurrence is available for inspection or
13 production if so ordered.

14 Respectfully submitted,

15 Nixon Peabody LLP

16 DATED: June 26, 2017

17 By: /s/ Aldo E. Ibarra
18 Robert A. Weikert
19 Gina McCreadie
20 Aldo E. Ibarra
21 Attorneys for Defendant
22 VIC FIRTH COMPANY

23 Cohorn Law

24 DATED: June 26, 2017

25 By: /s/ Cari A. Cohorn
26 Cari A. Cohorn
27 Attorney for Plaintiff
28 GERALD A. FORREST dba GOSPELCHOPS

IT IS SO ORDERED.

25 DATED: June 30, 2017

26 UNITED STATES DISTRICT JUDGE

27

- 3 -