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 ALLIED WORLD INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 SACRAMENTO DIVISION**

17 ALLIED WORLD INSURANCE COMPANY,
 18 a Delaware corporation,
 19 Plaintiff,
 20 v.
 21 NEW PARADIGM PROPERTY
 22 MANAGEMENT, LLC, a California
 corporation, and DOES 1 through 20, inclusive,
 23 Defendants.

Case No. 2:16-CV-02992-MCE-GGH
**Ex Parte Motion for Request to Modify
 Pretrial Order By Stipulation to Extend
 Fact Discovery By Sixty Days**
 Case No. 2:17-cv-00552-KJM-CKD
 (Administratively closed and consolidated
 with case 2:16-CV-02992-MCE-GGH)

24 NEW PARADIGM PROPERTY
 25 MANAGEMENT, LLC, a California
 corporation,
 26 Plaintiff,
 27 v.
 28 ALLIED WORLD INSURANCE COMPANY,

1 a Delaware corporation, and DOES 1 through
2 200, inclusive,

3 Defendants

4 Pursuant to Local Rule 143 and Federal Rule of Civil Procedure (FRCP) 16(b)(4),
5 Defendant, NEW PARADIGM PROPERTY MANAGEMENT, LLC (hereinafter Defendant), and
6 Plaintiff, ALLIED WORLD INSURANCE COMPANY (hereinafter Plaintiff) by and through the
7 undersigned counsel, hereby jointly stipulate and request this Court to issue an Order to modify the
8 Initial Pretrial Scheduling Order (ECF No. 3) (hereinafter “Initial Pretrial Scheduling Order” or
9 “Pretrial Order”) for case 2:16-CV-02992-MCE-GGH, by extending the dates for
10 conclusion of fact discovery by an additional sixty days from the current fact discovery deadline
11 of April 20, 2018—to June 19, 2018, with all other deadlines to remain as governed by the Initial
12 Pretrial Scheduling Order.

13 The Initial Pretrial Scheduling Order allocated 365 days for fact discovery until December
14 22, 2017(ECF No. 3.). Discovery including initial Rule 26(f) disclosures was then placed on hold
15 pending ruling on Defendant’s Motion to Compel Arbitration (ECF No. 23), which was denied on
16 September 28, 2017. Shortly after denial of the motion on October 16, 2017, the court granted a
17 joint request to extend fact discovery by 120 days to April 20, 2018. (ECF No. 28.) However, even
18 with this modification, the total time period for fact discovery on this complex construction dispute
19 has been slightly less than 7 months, in place of the original 365 days allocated to discovery. The
20 parties have to date since October diligently engaged in discovery consisting of the exchange of
21 several rounds of very lengthy written discovery, including amended and supplemental responses
22 after meet and confers, and the exchange of several binders of documents concerning the
23 construction project obtained both from the parties and from third parties
24 through subpoena.

25 The last of the responses to document production requests was accomplished in early
26 March. Following the exchange of the extensive written discovery, the parties have now identified
27 numerous witnesses for deposition—including party-affiliated PMQ witnesses and other non-party
28 witnesses. After conferring on deposition scheduling, the parties recognize that it

1 will be extremely difficult to schedule and conclude all of the necessary PMQ and third party
2 witness depositions by April 20, 2018—which include former employees of the parties -- plus any
3 attendant discovery that may be required as a result of the depositions. The parties respectfully
4 submit that they have been dutiful in conducting extensive discovery to date during a compressed
5 time period—and would greatly appreciate an additional sixty-day extension to conclude fact
6 discovery in an orderly manner.

7 FRCP 16(b)(4) allows a court to modify a scheduling order upon a showing of “good cause.”
8 According to the Ninth Circuit Court, the “good cause” standard required is primarily concerned
9 with the diligence taken by the party seeking the extension. *Johnson v. Mammoth Recreations, Inc.*,
10 975 F.2d 604, 609 (9th Cir. 1992). A court may modify the scheduling order should the given
11 deadlines not be reasonably able to be met, despite diligent efforts. *Jackson v. Laureate, Inc.*, 186
12 F.R.D. 605, 608 (E.D. CA 1999) issues its

13
14 This Stipulated Request to Modify the Pretrial Order is supported by good cause. The parties
15 hereby respectfully request that this Court modify the Pretrial Order by extending the fact discovery
16 deadline by an additional sixty days.

17 This would result in the following new deadlines:

18 Fact Discovery: June 19, 2018.

19 All other deadlines in the Pretrial Order would remain unchanged.
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GASCOU HOPKINS LLP

Dated: March 27, 2018

By: /Ronald Hopkins/

RONALD W. HOPKINS
Attorneys for Plaintiff/Counter-Defendant
ALLIED WORLD INSURANCE COMPANY

Dated: March 27, 2018


PORTER LAW GROUP, INC.

By: /Brittany Rupley Haefele/
BRITTANY RUPLEY HAEFELE
Attorneys for Defendant/Counter-Claimant
NEW PARADIGM PROPERTY
MANAGEMENT, LLC

ORDER

IT IS SO ORDERED.

Dated: April 2, 2018


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE