

1 RICHARD A. HOYER (SBN 151931)
 rhoyer@hoyerlaw.com
 2 SEAN D. MCHENRY (SBN 284175)
 smchenry@hoyerlaw.com
 3 4 Embarcadero Center, Suite 1400
 San Francisco, CA 94111
 4 Telephone: 415-766-3539
 Facsimile: 415-276-1738

5 Attorneys for Plaintiff
 6 TIMOTHY PRUITT

7 LYNNE C. HERMLE (STATE BAR NO. 99779)
 lchermle@orrick.com
 8 ORRICK, HERRINGTON & SUTCLIFFE LLP
 1000 Marsh Road
 9 Menlo Park, CA 94025-1015
 Telephone: 650-614-7400
 10 Facsimile: 650-614-7401

11 JULIE A. TOTTEN (STATE BAR NO. 166470)
 jatotten@orrick.com
 12 LEO MONIZ (STATE BAR NO. 285571)
 lmoniz@orrick.com
 13 ORRICK, HERRINGTON & SUTCLIFFE LLP
 400 Capitol Mall, Suite 3000
 14 Sacramento, CA 95814-4497
 Telephone: 916-447-9200
 15 Facsimile: 916-329-4900

16 Attorneys for Defendant
 17 GENENTECH, INC.

18 UNITED STATES DISTRICT COURT
 19 EASTERN DISTRICT OF CALIFORNIA

21 TIMOTHY PRUITT,
 22 Plaintiff,
 23 v.
 24 GENENTECH, INC.; AND DOES 1
 THROUGH 10, INCLUSIVE,
 25 Defendants.
 26

Case No. 2:17-CV-00822-JAM-AC

**JOINT STIPULATION AND ORDER
 TO CONTINUE REBUTTAL EXPERT
 DISCLOSURE DEADLINE**

1 Pursuant to Eastern District of California Local Rule 143, Plaintiff Timothy Pruitt
2 (“Plaintiff”) and Defendant Genentech, Inc. (“Defendant”), by their undersigned counsel, hereby
3 stipulate as follows:

4 WHEREAS, on June 21, 2017, the Court issued a Status (Pre-trial Scheduling) Order
5 (Dkt. No. 11), setting case deadlines;

6 WHEREAS, the Court subsequently granted the Parties’ joint stipulations to continue the
7 case deadlines in connection with the Parties’ efforts to schedule private mediation in an effort to
8 reach a settlement;

9 WHEREAS, pursuant to the Court’s orders of June 21, 2017 (Dkt. No. 11), December 7,
10 2017 (Dkt. No. 27), and March 5, 2018 (Dkt. No. 30), the current deadline for supplemental
11 disclosure and disclosure of any rebuttal experts is August 31, 2018, and the deadline for the
12 completion of all discovery is October 15, 2018;

13 WHEREAS, Plaintiff served Defendant with Plaintiff’s Expert Disclosures on August 3,
14 2018, designating Charles Mahla, Ph.D. as an expert witness in this matter;

15 WHEREAS, pursuant to agreement of the Parties, Defendant noticed Dr. Mahla’s
16 deposition for August 28, 2018;

17 WHEREAS, Plaintiff subsequently informed Defendant that Dr. Mahla now has a conflict
18 on August 28, 2018, because he is scheduled to give trial testimony in another case in Southern
19 California on that date;

20 WHEREAS, Defendant wishes to accommodate Dr. Mahla, but the schedules of counsel
21 and Dr. Mahla do not permit his deposition to be rescheduled sufficiently in advance of the
22 current rebuttal expert disclosure deadline;

23 WHEREAS, the Parties agree that the deadline for Defendant’s expert disclosures relating
24 to Dr. Mahla’s opinions may be continued, and that no other case deadlines need be altered;

25 WHEREAS, good cause therefore exists for the Court to grant a continuance of the
26 deadline for supplemental disclosure and disclosure of any rebuttal experts.

27 ///

28 ///

