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18	UNITED STATES DISTRICT COURT		
19	EASTERN DISTRICT OF CALIFORNIA		
20			
21	TIMOTHY PRUITT,	Case No. 2:17-CV-00822-JAM-AC	
22	Plaintiff,	JOINT STIPULATION AND ORDER	
23	V.	TO CONTINUE REBUTTAL EXPERT DISCLOSURE DEADLINE	
24	GENENTECH, INC.; AND DOES 1 THROUGH 10, INCLUSIVE,		
25	Defendants.		
26	Derendants.		
27			
28			
		JOINT STIPULATION & [PROPOSED] ORDER TO CONTINUE REBUTTAL EXPERT DEADLINE CASE NO. 2:17-CV-00822-JAM-AC	

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	///	
	- 1 - JOINT STIPULATION & [PROPOSED] ORDER TO CONTINUE REBUTTAL EXPERT DEADLINE CASE NO. 2:17-CV-00822-JAM-AC	

1	NOW THEREFORE, the	Parties stipulate that the Court may enter an order modifying the
2	deadlines specified by the Status (Pre-trial Scheduling) Order (Dkt. No 11) and the Court's Order	
3	of December 7, 2017 (Dkt. No. 27) and Order of March 5, 2018 (Dkt. No. 30) as follows:	
4	1. The date set by the Court for supplemental disclosure and disclosure of any	
5	rebuttal experts under Fed. R. Civ. P. 26(a)(2) shall be continued to September 14, 2018, solely	
6	as to any disclosures that may be made by Defendant relating to the report and/or opinions of	
7	Plaintiff's expert Dr. Charles Mahla.	
8	2. All other deadline	s in this matter shall remain unaltered.
9	IT IS SO STIPULATED.	
10		
11	Dated: August 27, 2018	LYNNE C. HERMLE JULIE A. TOTTEN
12		LEO MONIZ Orrick, Herrington & Sutcliffe LLP
13		
14		By: <u>/s/ Leo Moniz</u> LEO MONIZ
15		Attorneys for Defendant GENENTECH, INC.
16	Dated: August 27, 2018	RICHARD A. HOYER
17		SEAN D. MCHENRY Hoyer & Hicks
18		
19		By: <u>/s/ Sean D. McHenry (as authorized on August 27, 2018)</u> SEAN D. MCHENRY
20		Attorneys for Plaintiff TIMOTHY PRUITT
21		
22		
23		ORDER
24	IT IS SO ORDERED.	
25		
26	Dated: 8/27/2018	<u>/s/ John A. Mendez</u> Hon. John A. Mendez
27		
28		
		- 2 - JOINT STIPULATION & [PROPOSED] ORDER TO CONTINUE REBUTTAL EXPERT DEADLINE CASE NO. 2:17-CV-00822-JAM-AC