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 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 DEADLINE FOR  
 DEFENDANT’S SUPPLEMENTAL  
 DISCLOSURE AND DISCLOSURE OF  
 ANY REBUTTAL EXPERTS**

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 deadline set for supplemental  
11 disclosure and disclosure of any rebuttal experts was August 31, 2018, and the deadline for the  
12 completion of all discovery is October 15, 2018;

13 WHEREAS, in an order on August 27, 2018 (Dkt. No. 33), the Court granted the Parties’  
14 joint stipulation to continue the deadline for supplemental disclosure and disclosure of any  
15 rebuttal experts under Fed. R. Civ. P. 26(a)(2) as to any disclosures by Defendant relating to the  
16 report and/or opinions of Plaintiff’s expert Dr. Charles Mahla, to accommodate a schedule  
17 conflict preventing Dr. Mahla from being deposed prior to the rebuttal disclosure deadline;

18 WHEREAS, the deadline for supplemental disclosure and disclosure of any rebuttal  
19 experts under Fed. R. Civ. P. 26(a)(2) is thus presently August 31, 2018, except as to any  
20 disclosures that may be made by Defendant relating to the report and/or opinions of Dr. Mahla,  
21 for which the deadline is September 14, 2018;

22 WHEREAS, Plaintiff served Defendant with Plaintiff’s Expert Disclosures on August 3,  
23 2018, designating Plaintiff’s treating mental health psychiatrist, Joel Fine, M.D., and Plaintiff’s  
24 treating mental health therapist, Alexis Rabourn, LMFT, as expert witnesses in this matter;

25 WHEREAS, Defendant took the deposition of Dr. Fine on August 23, 2018;

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1           WHEREAS, Defendant served Ms. Rabourn with a document subpoena on June 22, 2018,  
2 with a document production deadline of July 2, 2018, but Ms. Rabourn did not produce  
3 responsive documents, despite repeated follow up efforts, until August 10, 2018;

4           WHEREAS, Defendant served Ms. Rabourn with a deposition subpoena on August 17,  
5 2018, noticing her deposition for August 27, 2018, and also seeking further production of  
6 documents at the deposition;

7           WHEREAS, Defendant began the deposition of Ms. Rabourn on August 27, 2018, but  
8 was unable to complete Ms. Rabourn's deposition on that date because she had a scheduling  
9 conflict;

10           WHEREAS, Defendant learned during Ms. Rabourn's partially completed deposition that  
11 she has not produced all documents responsive to Defendant's subpoena(s);

12           WHEREAS, Plaintiff's counsel was not available to continue Ms. Rabourn's deposition  
13 prior to the rebuttal expert disclosure deadline;

14           WHEREAS, the Parties and Ms. Rabourn have agreed that Ms. Rabourn will produce all  
15 remaining documents responsive to Defendant's subpoenas by September 5, 2018;

16           WHEREAS, the Parties agree that the deadline for Defendant's supplemental disclosure  
17 and disclosure of any rebuttal experts under Fed. R. Civ. P. 26(a)(2) may be continued, and that  
18 no other case deadlines need be altered;

19           WHEREAS, good cause therefore exists for the Court to grant a continuance of  
20 Defendant's deadline for supplemental disclosure and disclosure of any rebuttal experts.

21           NOW THEREFORE, the Parties stipulate that the Court may enter an order modifying the  
22 deadlines specified by the Status (Pre-trial Scheduling) Order (Dkt. No 11) and the Court's  
23 Orders of December 7, 2017 (Dkt. No. 27), March 5, 2018 (Dkt. No. 30), and August 27, 2018  
24 (Dkt. No. 33), as follows:

25           1.       The date set by the Court for supplemental disclosure and disclosure of any  
26 rebuttal experts under Fed. R. Civ. P. 26(a)(2) shall be continued for Defendant to **September 14,**  
27 **2018.**

