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 19 Online Guru Inc.

20 **UNITED STATES DISTRICT COURT**  
 21 **EASTERN DISTRICT OF CALIFORNIA**

22 **ONLINE GURU INC.,**  
 23  
 24 Plaintiff,  
 25  
 26 v.  
 27 **CARTAGZ, INC. aka CARTAGZ.COM; and**  
 28 **DOES 1–10, inclusive,**  
 29  
 30 Defendants.

31 **CARTAGZ, INC. aka CARTAGZ.COM,**  
 32  
 33 Counterclaimant,  
 34  
 35 v.  
 36 **ONLINE GURU INC.,**  
 37  
 38 Counter-Defendant.

Case No. 2:17-cv-01121-TLN-GGH

**STIPULATION AND ORDER TO  
 EXTEND REMAINING DEADLINES  
 SET FORTH IN COURT’S OCTOBER  
 16, 2017 ORDER**

**MODIFIED FROM SUBMITTED  
 VERSION**



1 Pursuant to the Court's October 16, 2017 Pretrial Scheduling Order, and based on  
2 a showing of good cause, Plaintiff and Counter-Defendant Online Guru, Inc. ("Online  
3 Guru") and Defendant and Counterclaimant Cartagz, Inc. *aka* Cartagz.com ("Cartagz")  
4 hereby stipulate to extend the deadline for Cartagz to complete the depositions of two of  
5 Online Guru's Witnesses, Shane Hale and Andrew Mason, as well as the remaining non-  
6 discovery deadlines set forth in the Court's Pretrial Scheduling Order dated October 16,  
7 2017 (D.E. No. 8) by an additional ninety days.

8 WHEREAS, the original deadline to complete discovery was May 30, 2018 (Pretrial  
9 Scheduling Order dated October 16, 2017, D.E. No. 8);

10 WHEREAS, by stipulation of the parties, the Court entered an Order extending the  
11 discovery cut-off deadline to June 8, 2018 (Order Extending Discovery Deadlines dated  
12 May 11, 2018, D.E. No. 26);

13 WHEREAS, Cartagz began taking the deposition of Online Guru pursuant to  
14 Federal Rule of Civil Procedure 30(b)(6) on May 31, 2018;

15 WHEREAS, Online Guru designated Shane Hale to testify on behalf of Online Guru  
16 as its corporate representative on several topics, including some relating to the allegedly  
17 infringing advertisements at issue in this matter. Such testimony is important for Cartagz  
18 because this action contains a copyright infringement claim and the parties dispute who  
19 created the advertisements. Importantly, Online Guru alleges that Online Guru, including  
20 Mr. Hale, created the allegedly infringing advertisements;

21 WHEREAS, the parties also scheduled for Cartagz to take the deposition of Shane  
22 Hale (in his individual capacity), on June 1, 2018, which would be held concurrently with  
23 his testimony as a representative of Online Guru;

24 WHEREAS, Cartagz had scheduled the short deposition of Online Guru employee,  
25 Andrew Mason, to take place on June 5, 2018;

26 WHEREAS, on May 31, 2018, at about 8:55 a.m., the parties were informed that  
27 Shane Hale was hospitalized due to an unexpected illness, was expected to remain in the  
28 intensive care unit for multiple weeks, and was thus unable to offer his testimony at the



1 Rule 30(b)(6) deposition of Online Guru;

2 WHEREAS, as of the date of this filing, Shane Hale remains in intensive care and  
3 is anticipated to be unavailable for at least two months;

4 WHEREAS, the parties anticipate that the combined duration of Andrew Mason’s  
5 and Shane Hale’s (individual and 30(b)(6)) depositions will not exceed one day;

6 WHEREAS, scheduling separate depositions for Andrew Mason and Shane Hale  
7 (individual and 30(b)(6)) would impose an undue burden—both financial and otherwise—  
8 on both parties, as well as the deponents;

9 WHEREAS, it would be in the best interest of both the parties and the deponents  
10 for Andrew Mason and Shane Hale to be deposed on the same day;

11 WHEREAS, the deposition testimonies of Shane Hale (both as an individual and a  
12 Rule 30(b)(6) witness) and Andrew Mason are integral to the parties’ claims and defenses;

13 WHEREAS, the parties have engaged in and plan to continue settlement  
14 discussions;

15 **WHEREFORE**, the parties hereby jointly stipulate and respectfully move this Court  
16 to enter an Order extending the remaining deadlines as follows:

17 1. The current deadline to complete the depositions of Shane Hale and Andrew  
18 Mason be extended by ninety days, from June 8, 2018 to September 6, 2018;

19 2. The current cut-off deadline of June 8, 2018 for the completion of all other non-  
20 expert discovery remain in effect; and

21 3. All remaining deadlines set forth in the Court’s Pretrial Scheduling Order be  
22 continued by ninety days, as follows:

23

<u>Deadline</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
24 Expert designation	25 July 26, 2018	26 October 24, 2018
26 Supplemental expert designation	27 20 days after 28 designation of expert witnesses	20 days after designation of expert witnesses



1 Last day to hear dispositive November 15, 2018 February 13, 2019  
2 motions  
3 Joint Final Pretrial Conference February 28, 2019 May 29, 2019  
4 Statement  
5 Final Pretrial Conference March 7, 2019 June 5, 2018  
6 Trial May 6, 2019 at 9:00 August 5, 2019  
7 a.m. for five to seven  
8 (5–7 days)  
9

10 Respectfully Submitted,

11 Dated: June 6, 2018

**KRONENBERGER ROSENFELD, LLP**

By: s/ Karl S. Kronenberger  
Karl S. Kronenberger

Attorneys for Defendant and  
Counterclaimant Cartagz, Inc.  
*aka* Cartagz.com

16 Dated: June 6, 2018

**WALTERS LAW GROUP**

By: s/ Christopher L. Walters  
Christopher L. Walters

Attorneys for Plaintiff and Counter-  
Defendant Online Guru, Inc.

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**ORDER**

Pursuant to stipulation of the parties and based upon a showing of good cause, **IT IS HEREBY ORDERED** that:

1. The depositions of Shane Hale and Andrew Mason must be completed by September 6, 2018;

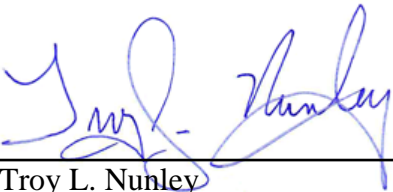
2. The current cut-off deadline of June 8, 2018 for the completion of all other non-expert discovery remains in full force and effect; and

3. All remaining deadlines set forth in the Court's Pretrial Scheduling Order be continued as follows:

<u>Deadline</u>	<u>Current Deadline</u>	<u>Deadline</u>
Expert designation	July 26, 2018	October 24, 2018
Supplemental expert designation	20 days after designation of expert witnesses	20 days after designation of expert witnesses
Last day to hear dispositive motions	November 15, 2018	<b>February 21, 2019</b>
Joint Final Pretrial Conference Statement	February 28, 2019	<b>June 6, 2019</b>
Final Pretrial Conference	March 7, 2019	<b>June 13, 2019, at 2:00 p.m.</b>
Trial	May 6, 2019 at 9:00 a.m. for five to seven (5-7 days)	<b>August 26, 2019, at 9:00 a.m.</b>

**IT IS SO ORDERED.**

DATED: June 7, 2018

  
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 Troy L. Nunley  
 United States District Judge