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PAUL LEHR and COLLEEN LEHR

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UNITED STATES DISTRICT COURT

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IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

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12 PAUL LEHR and COLLEEN LEHR,

13 Plaintiffs,

14 vs.

15 FRANK M. PERRI; PERRI ELECTRIC,
INC., a California Corporation; PERRI
16 ELECTRIC INC. PROFIT SHARING PLAN;
PERRI ELECTRIC INC. PROFIT SHARING
17 TRUST FUND; and DOES 1-50,

18 Defendants.

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CASE NO.: 2:17-cv-01188 WBS GGH

**STIPULATION RE CONDITIONAL
NON-OPPOSITION OF EX PARTE
APPLICATION; REQUEST TO REVISE
TRIAL AND SOME RELATED DATES**

*[Proposed Order filed concurrently
herewith.]*

Date: TBD

Time: TBD

Courtroom: TBD

Judge: Hon. William B. Shubb

Trial: June 25, 2019

Action Filed: June 7, 2017

1 IT IS HEREBY AND AGREED, between Plaintiffs PAUL LEHR and COLLEN
2 LEHR (“Plaintiffs”), Defendants FRANK M. PERRI and PERRI ELECTRIC, INC., a
3 California Corporation; (collectively “Defendants”), through their respective counsel of
4 record, as follows:

5 WHEREAS, on January 7, 2019, Plaintiffs filed their “Ex Parte Application to
6 Extend Expert Report Deadlines” and supporting documents;

7 WHEREAS, on January 9 and January 10, the Parties continued to meet and
8 confer and have come to a conditional agreement subject to the Court’s approval;

9 WHEREAS, Defendants have reviewed the Application and do not wish to file
10 any opposition so long as the deadlines are extended as follows;

11 WHEREAS, the Parties have agreed to retroactively extend the time to produce
12 expert reports to January 4, 2019 considering Plaintiffs’ production timely;

13 WHEREAS, the Parties have agreed that Defendants’ disclosure of rebuttal
14 expert witness reports shall be extended to February 20, 2019;

15 WHEREAS, the Parties have agreed that both sides’ deadline to conduct expert
16 discovery shall be extended to March 6, 2019;

17 WHEREAS, the Parties have agreed to extend both sides’ deadline to hear
18 dispositive motions to April 8, 2019;

19 WHEREAS, on June 7, 2017, Plaintiffs filed their Complaint against Defendants;

20 WHEREAS, on October 31, 2017, Defendants filed their Answer;

21 WHEREAS, Defendants have reviewed their Answer and wish to slightly amend
22 it to include an additional affirmative defense (a “redline” version is attached hereto as
23 **Exhibit A.**);

24 WHEREAS, Plaintiffs do not wish to oppose Defendants’ request to file the
25 Amended Answer;

26 WHEREAS, the Parties have agreed that Defendants’ Amended Answer be filed
27 within three (3) business days of the Court signing the order allowing it;

28 WHEREAS, the Parties have agreed that Plaintiffs shall have ninety (90) days

1 from the date of filing to conduct limited scope discovery relating to the amendment;

2 WHEREAS, the Parties have agreed the Plaintiffs' deadline to hear discovery
3 motions within the limited scope of the amendment be extended to one-hundred ten
4 days from the date of filing the amendment;

5 WHEREAS, the Parties initially submitted stipulations to this affect but were
6 notified that the trial must be continued in order to preserve scheduling limitations;

7 WHEREAS, the Parties now agree to continue trial on this matter to August 13,
8 2019 at 9:00 a.m.;

9 WHEREAS, the Parties now also agree to continue the Pretrial Conference to
10 June 10, 2019 at 1:30 p.m.;

11 WHEREAS, good cause exists for granting the Ex Parte Application based on the
12 Parties' request to extend theses deadline in accordance with Federal Rules of Civil
13 Procedure;

14 Good cause having been shown, the Parties respectfully request that the Court
15 grant the Ex Parte Application and extend these deadlines as set forth above.

16 NOW THEREFORE, the Parties HEREBY STIPULATED AND AGREE AS
17 FOLLOWS:

- 18 1. The Ex Parte Application by Plaintiffs is granted subject to the following
19 revisions to the order;
- 20 2. The deadline to disclose expert reports shall be retroactively extended to
21 January 4, 2019;
- 22 3. The deadline for Defendants to disclose rebuttal reports shall be extended to
23 February 20, 2019;
- 24 4. The deadline for all Parties to conduct expert discovery shall be extended to
25 March 6, 2019;
- 26 5. The deadline for all Parties to hear dispositive motions shall be extended to
27 April 8, 2019;
- 28 6. The trial in this matter will be continued to August 13, 2019 at 9:00a.m.;

- 1 7. The final Pretrial Conference shall be continued to June 10, 2019 at 1:30
2 p.m.;
- 3 8. Defendants shall have three (3) business days to file and serve the Amended
4 Answer as proposed herein;
- 5 9. The deadline to conduct limited discovery relating only to the amendment
6 shall be extended to ninety (90) days from the date it is filed;
- 7 10. The deadline to hear discovery motions related solely to the limited scope of
8 discovery set forth in Paragraph 9, above, shall be extended to one-hundred
9 ten (110) days from the date the amendment is filed.

11 DATED: January 25, 2019

FRY LAW CORPORATION

13 By: /s/ Christopher J. Fry
14 Christopher J. Fry, Esq.
15 *Attorney for Plaintiffs*

17 DATED: January 25, 2019

**LAW OFFICE OF SPENCER T. MALYSIAK
LAW CORP**


19 By: /s/Richard Shoemaker-Moyle
20 Richard Shoemaker-Moyle, Esq.
21 *Attorney for Defendants*

26 *Order on the next page....*

ORDER

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2 Based upon the Stipulation submitted by and between PAUL LEHR and COLLEN
3 LEHR (“Plaintiffs”), on the one hand, and Defendants FRANK M. PERRI; PERRI
4 ELECTRIC, INC., a California Corporation; (collectively “Defendants”), on the other hand, it
5 is hereby **ORDERED**:

- 6 1. The Ex Parte Application by Plaintiffs is granted subject to the following
7 revisions to the order;
- 8 2. The deadline to disclose expert reports shall be retroactively extended to
9 January 4, 2019;
- 10 3. The deadline for Defendants to disclose rebuttal reports shall be extended to
11 February 20, 2019;
- 12 4. The deadline for all Parties to conduct expert discovery shall be extended to
13 March 6, 2019;
- 14 5. The deadline for all Parties to hear dispositive motions shall be extended to
15 April 8, 2019;
- 16 6. The trial in this matter will be continued to August 13, 2019 at 9:00a.m.;
- 17 7. The final Pretrial Conference shall be continued to June 10, 2019 at
18 1:30 p.m.;
- 19 8. Defendants shall have three (3) business days to file and serve the Amended
20 Answer as proposed herein;
- 21 9. The deadline to conduct limited discovery relating to the amendment shall be
22 extended to ninety (90) days from the date it is filed;
- 23 10. The deadline to hear discovery related motions as to the limited discovery
24 shall be extended to one-hundred ten (110) days from the date the
25 amendment is filed.
- 26 11. Dated: January 25, 2019

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28 **WILLIAM B. SHUBB**
UNITED STATES DISTRICT JUDGE