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

MCGRAW-HILL GLOBAL
EDUCATION HOLDINGS, LLC,
PEARSON EDUCATION, INC., and
CENGAGE LEARNING, INC.,

Plaintiff,

v.

YAROSLAV STOLYARCHUK,

Defendant.

Case No. 2:17-cv-01716-WBS-DB

**JOINT STIPULATION AND CONSENT
[PROPOSED] SCHEDULING ORDER**

WHEREAS, Plaintiffs filed their Complaint on August 17, 2017 and their First Amended
Complaint on April 12, 2018;

WHEREAS, on December 13, 2017, the Court entered a Status (Pretrial Scheduling)
Order (ECF No. 10);

1 WHEREAS, discovery commenced in December 2017 and continues to date, but has
2 moved more slowly than anticipated:

3 1. On December 6, 2017, Plaintiffs served their First Set of Requests for Production
4 and First Set of Interrogatories on Defendant. On January 5, 2018, Defendant served written
5 responses and objections to Plaintiffs' First Set of Requests for Production and First Set of
6 Interrogatories. After Plaintiffs raised issues with Defendant's responses and objections and the
7 parties conferred, Defendant served Supplemental Responses and Objections to Plaintiffs' First
8 Set of Requests for Production on January 26, 2018. Certain documents and information
9 responsive to Plaintiffs' requests implicated confidentiality and privacy concerns of Defendant.
10 After the parties agreed to a Stipulated Protective Order which was presented to the Court and
11 issued by the Court on February 23, 2018, Defendant served further Supplemental Responses to
12 Plaintiffs' First Set of Interrogatories on June 5, 2018.

13 2. On February 28, 2018, Defendant made his first production of documents in
14 response to Plaintiffs' First Set of Requests for Production. Defendant has not yet completed his
15 production in response to Plaintiffs' December 6, 2017 document requests.

16 3. On May 5, 2018, Plaintiffs served their Second Set of Requests for Production,
17 seeking, among other things, documents regarding Defendant's financials. Defendant served
18 written responses and objections on June 7, 2017. Defendant has not yet produced documents in
19 response to Plaintiffs' Second Set of Requests for Production.

20 4. On May 18, 2018, Defendant served his First Set of Requests for Production and
21 First Set of Interrogatories to Plaintiffs, responses to which are due June 21, 2018.

22 WHEREAS, on March 29, 2018, the parties filed a Stipulation and Order Consolidating
23 Related Cases (ECF No. 16) to consolidate with this action a related action, *Elsevier, Inc., et al.*
24 *v. Stolyarchuk*, Case No. 18-cv-00593-WBS-EFB, that had recently been transferred to this
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1 Court from the United States District Court for the Southern District of New York. The
2 stipulation to consolidate was made in the interest of promoting efficiency by avoiding the
3 litigation of separate related actions. The parties advised in their Stipulation and Order
4 Consolidating Related Cases that “a short extension of the dates in [the] scheduling order
5 [would] be required” and are now requesting the same.
6

7 WHEREAS, expert reports are currently due June 29, 2018. Plaintiffs intend to serve
8 expert reports opining on the alleged counterfeit nature of certain books, including some or all of
9 a pallet of suspect books that Defendant agreed to provide to Plaintiffs and which Defendant
10 provided on May 22, 2018. According to Defendant, this shipment contained over 1,100
11 individual books, including over 85 separate titles. Given the recent date of that production and
12 the number of books provided, along with the consolidation of the related action and delays in
13 discovery, June 29, 2018 does not provide sufficient time for Plaintiffs’ experts to review, opine
14 and draft their reports.
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16 WHEREAS, the parties have also discussed their mutual willingness to engage in
17 settlement negotiations. Plaintiffs have indicated, however, that settlement negotiations cannot
18 be reasonably framed unless and until Defendant provides further discovery, including financial
19 information. Additionally, Defendant believes that litigation expenditures prior to the
20 opportunity to engage in settlement negotiations may create additional financial barriers to
21 resolution which may complicate future efforts to resolve this dispute. Thus, Defendant believes
22 that the short extension of dates and deadlines requested will facilitate resolution by allowing the
23 parties to complete the necessary discovery for settlement negotiations while permitting time to
24 conduct further fact and expert discovery should settlement negotiations fail.
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1 WHEREAS, in light of the above, the parties agree that additional time is necessary for
2 further discovery in hopes of setting a framework for meaningful settlement discussions,
3 including, if the parties later agree, through Local Rule 271's Voluntary Dispute Resolution
4 Program,

5 WHEREAS, this is the parties' first request for an extension of any deadline in the
6 Court's Pre-Trial Scheduling Order (ECF No. 10).
7

8 THE PARTIES JOINTLY CONSENT TO and request that the Court enter an order
9 modifying certain dates in the Pre-Trial Scheduling Order (ECF No. 10), as follows:
10

	Old Date	New Date
11 Rule 26(a)(2) expert witness disclosures	June 29, 2018	August 31, 2018
12 Rebuttal expert witness reports	July 20, 2018	September 21, 2018
13 Completion of discovery	August 24, 2018	October 26, 2018
14 Deadline to file dispositive motions	September 28, 2018	November 30, 2018
15 Final pre-trial conference	December 17, 2018	February 11, 2019 at 1:30 p.m.
16 Trial	February 20, 2019	April 16, 2019 at 9:00 a.m.

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19 All other dates listed in the Pre-Trial Scheduling Order (ECF No. 10) shall remain in
20 place.

21 Respectfully submitted,

22 Dated: June 13, 2018

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27 */s/ Jeffrey M. Gould*

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YAROSLAV STOLYARCHUK

IT IS SO ORDERED.

Dated: June 14, 2018



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE