

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CHARLES S. PAINTER (SBN 89045)
REBECCA L. MENENDEZ (SBN 262487)
ERICKSEN ARBUTHNOT
100 Howe Avenue, Suite 110 South
Sacramento, CA 95825-8201
(916) 483-5181 Telephone
(916) 483-7558 Facsimile

Attorneys for Defendant, ESA MANAGEMENT, LLC, a Delaware limited liability company

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FERDINA BUIE,
Plaintiff,

vs.

ESA MANAGEMENT, LLC,
Defendant.

) Case No.: 2:17-CV-02455-MCE-AC
)
) **STIPULATION AND ORDER TO**
) **EXTEND NON-EXPERT DISCOVERY**
)
) State Action filed: 1/10/17
) Removal to Federal: 11/20/17
) Trial Date: None
)

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

WHEREAS discovery closes on November 20, 2018, the parties do agree and stipulate between and amongst themselves that due to Plaintiff’s recently scheduled upcoming surgery on November 29, 2018, non-expert discovery will be extended to January 28, 2019.

The parties attempted to depose Plaintiff’s surgeon on October 26, 2018, however, unbeknownst to defense and plaintiff’s counsel, Plaintiff had sought treatment with another surgeon and scheduled surgery to occur. The parties agree and stipulate between and amongst themselves, through their respective counsel, to extend non-expert discovery to January 28, 2019 to allow Plaintiff sufficient time to recover and additional discovery to be undertaken regarding Plaintiff’s surgery.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: November 20, 2018

ERICKSEN ARBUTHNOT

By

CHARLES S. PAINTER
REBECCA L. MENENDEZ
Attorneys for Defendant, ESA
MANAGEMENT, LLC, a Delaware
limited liability company sued herein as
DOE 1

DATED: November 20, 2018

AMERIO LAW FIRM P.C.

By

JEFFREY FLETTERICK
Attorneys for Plaintiff


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Pursuant to the stipulation between the Parties (ECF No. 32), the November 20, 2018 deadline for non-expert discovery in the above-captioned action is extended to **January 28, 2019**.

IT IS SO ORDERED.

Dated: November 26, 2018


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

1 BUIE v. ESA MANAGEMENT
2 USDC-EASTERN CASE NO.: 2:17-CV-02455-MCE-AC
3 EA File No. 17-040

4 **CERTIFICATE OF SERVICE**
5 [Fed. R. Civ. P. 5(b), 5(d), 6(e) and LR 135]

6 I, the undersigned, hereby certify that I am a citizen of the United States, over the age
7 of eighteen years and not a party to the within action; my business address is 100 Howe
8 Avenue, Suite 110 South, Sacramento, California 95825. On this date I served the within:

9 **STIPULATION AND ORDER TO EXTEND NON-EXPERT DISCOVERY**

10 () BY MAIL

11 I served a true and correct copy of the above-named documents by mail by placing the
12 same in a sealed envelope with postage fully prepaid, and depositing said envelope in the U.S.
13 mail at Sacramento, California. Said envelope(s) was/were addressed as listed hereafter,
14 pursuant to the Federal Rules of Civil Procedure.

15 () BY PERSONAL SERVICE

16 I caused to be served by hand a true copy of the above-named document as listed
17 hereafter.

18 (XX) ECF SERVICE:

19 I caused to be served, through the Court's ECF system a true and correct copy of the above-
20 named document.

21 **ATTORNEY FOR PLAINTIFF:**

22 Ashley R. Amerio
23 Jeffrey Fletterick
24 AMERIO LAW FIRM P.C.
25 1640 Lead Hill Blvd., Ste. 220
26 Roseville, CA 95661
27 (916) 419-1111
28 (888) 909-0977 fax
ashley@ameriolaw.com
jeff@ameriolaw.com

I declare that I am employed in the office of a member of the bar of this Court at whose
direction the service was made, and that this declaration was executed on November ____, 2018,
at Sacramento, California.

DARLENE L. GUSTIN