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9 Attorneys for Plaintiffs STORZ MANAGEMENT
 10 COMPANY, STORZ REALTY, INC., HERITAGE
 11 FUNDING CORPORATION, and HERITAGE
 12 FUNDING IV and Counter-Defendants STORZ
 13 MANAGEMENT COMPANY, STORZ REALTY,
 14 INC.

15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA

17 STORZ MANAGEMENT COMPANY, a
 18 California Corporation, and STORZ REALTY,
 19 INC., a California Corporation, HERITAGE
 20 FUNDING CORPORATION, a California
 21 corporation, and HERITAGE FUNDING IV, a
 22 California corporation,

23 Plaintiff,

24 v.

25 ANDREW CAREY, an individual, and MARK
 26 WEINER, an individual, JOY KELLY, an
 27 individual, NANCY HUGHES, an individual.
 28 MONOLITH, LLC, a California entity, and
 MONOLITH PROPERTIES, INC., a
 California corporation,

Defendants.

Case No. 2:18-cv-00068-DJC-DB

**STIPULATION AND ORDER TO
 MODIFY SCHEDULING ORDER TO
 EXTEND CUT-OFF TO DISCLOSE
 INITIAL EXPERT WITNESSES AND
 PRODUCE REPORTS**

Complaint Filed: January 11, 2018
 FAC Filed: January 30, 2018
 SAC Filed: March 17, 2021

AND RELATED COUNTERCLAIMS

25 Plaintiffs/Counterdefendants Storz Management Company and Storz Realty, Inc., and
 26 Plaintiffs Heritage Funding Corporation and Heritage Funding IV (“Plaintiffs”), together with
 27 Defendants/Counterclaimants Andrew Carey and Mark Weiner, and Defendants Joy Kelly, Nancy
 28 00033024.1

1 Hughes, Monolith, LLC and Monolith Properties, Inc. (“Defendants”) (Plaintiffs and Defendants
2 referred to collectively as the “Parties”), by and through their respective counsel of record, hereby
3 stipulate to and request a modification to the Court’s Amended Scheduling Order issued on
4 February 22, 2023 (ECF No. 221) as follows:

5 WHEREAS on or about February 22, 2023, this Court issued a Minute Order wherein it
6 ordered the parties shall disclose initial experts and produce reports by no later than October 2,
7 2023; and that the parties shall disclose rebuttal experts and produce rebuttal reports by no later
8 than November 2, 2023; and that all expert discovery shall be completed no later than December
9 4, 2023 (*see* ECF No. 221);

10 WHEREAS Plaintiffs’ new counsel substituted in as Plaintiffs’ counsel of record on July
11 19, 2023 (*see* ECF No. 254);

12 WHEREAS the Parties acknowledge that Plaintiffs’ counsel will be out of the country
13 from September 11, 2023 to October 9, 2023;

14 WHEREAS the Parties have met and conferred on the scheduling conflicts and have
15 agreed that the disclosure of initial experts and production of reports need to be continued to later
16 dates;

17 WHEREAS the Parties have agreed for the disclosure of initial experts and production of
18 reports to occur on or before November 2, 2023;

19 WHEREAS the Parties jointly request that the Court modify its Amended Scheduling
20 Order issued on February 22, 2023, (ECF No. 221) to allow additional time for the parties to
21 complete their disclosure of initial experts and produce expert reports;

22 WHEREAS good cause exists to allow additional time for the parties to disclose experts
23 witnesses and complete expert witness discovery due to Plaintiffs’ counsel recently being
24 substituted in as counsel and his unavailability for expert witness discovery to be completed
25 within the current deadlines.

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NOW, THEREFORE, the Parties jointly request:

1. That the Court modify its amended Scheduling Order issued on February 22, 2023 (ECF No. 221), to extend the deadlines for the parties to disclose initial experts and produce reports to November 2, 2023; for the parties to disclose rebuttal experts and produce rebuttal reports by no later than December 2, 2023; and that all expert discovery shall be completed no later than January 12, 2024.

IT IS SO STIPULATED AND AGREED.

DATED: September 7, 2023

HANSEN, KOHLS, SOMMER & JACOB, LLP

By: /s/ Daniel V. Kohls
DANIEL V. KOHLS
Attorneys for Plaintiffs/Counterdefendants
STORZ MANAGEMENT COMPANY, STORZ
REALTY, INC., HERITAGE FUNDING
CORPORATION and HERITAGE FUNDING IV

DATED: September 7, 2023

WEINTRAUB TOBIN CHEDIAK COLEMAN
GRODIN

By: /s/ James Kachmar

JAMES KACHMAR
Attorneys for Defendants/Counterclaimants
ANDREW CAREY, MARK WEINER, and
Defendants JOY KELLY, NANCY HUGHES,
MONOLITH, LLC and MONOLITH
PROPERTIES, INC.

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ORDER

The Court, having reviewed the Parties’ Stipulation, and finding good cause, hereby modifies its February 22, 2023, Amended Pretrial Scheduling Order (ECF No. 221) to extend the deadlines for the parties to disclose initial experts and produce reports to November 2, 2023; for the parties to disclose rebuttal experts and produce rebuttal reports by no later than December 2, 2023; and that all expert discovery shall be completed no later than January 12, 2024.

All motions, except motions for continuances, temporary restraining orders, or other emergency applications, shall be filed on or before March 22, 2024 and shall be noticed for hearing before Judge Calabretta on May 9, 2024 at 1:30 p.m. Counsel are directed to refer to the local rules and Judge Calabretta’s Standing Order regarding the requirements for noticing and opposing such motions on the Court’s regularly scheduled law and motion calendar.

IT IS SO ORDERED.

Dated: September 11, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE