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6 Attorney for Plaintiff and Cross-Defendant
 7 ROMEO & JULIETTE, INC.

8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 ROMEO & JULIETTE, INC., a California
 11 Corporation,

12 Plaintiff,

13 v.

14 KEN WU, an individual,

15 Defendant.

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 17 KEN WU, an individual,

18 Cross-Complainant,

19 v.

20 ROMEO & JULIETTE, INC., a California
 21 Corporation, and DOES 1-25, inclusive,

22 Cross-Defendants.
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Case No. 2:18-cv-00214-TLN-AC

**JOINT STIPULATION AND ORDER TO
 MODIFY SCHEDULING ORDER TO
 CONTINUE ALL DATES DUE TO
 CORONAVIRUS**

Complaint Filed: January 30, 2018
 Answer Filed: March 19, 2018
 Counterclaim Filed: March 19, 2018
 Answer to Counterclaim: April 9, 2018
 Trial Date: Not Applicable

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 2315 Capitol Avenue
 Sacramento, CA 95816

1 **TO THE COURT:**

2 Plaintiff/Cross-Defendant ROMEO & JULIETTE, INC. (“plaintiff”) and Defendant/Cross-
3 Complainant KEN WU (“defendant”) hereby submit this Stipulation and [Proposed] Order to the
4 Court for approval.

5 WHEREAS, the deadline to complete non-expert discovery is February 9, 2021;

6 WHEREAS, the designation of expert witnesses in this matter is presently set for March 9,
7 2021, with any supplemental designation due 20 days later;

8 WHEREAS, the deadline to file dispositive motions is July 8, 2021;

9 WHEREAS, the ongoing COVID 19 pandemic has impacted the Parties’ discovery and will
10 continue to impact the discovery including the conducting of multiple depositions.

11 WHEREAS, the State of California and the County of Sacramento have announced a public
12 health emergency mandating the closure of non-essential businesses and that requires residents of the
13 State of California and the County of Sacramento to avoid congregating with persons outside their
14 immediate family or household, and to refrain from all non-essential travel;

15 WHEREAS, COVID 19 cases and deaths have increased to record levels and are expected to
16 substantially rise over the ensuing several months, and ICU capacity in the State of California is
17 substantially over-burdened;

18 WHEREAS, the depositions of the witnesses would require travel and the congregation of
19 multiple people in a confined space for hours;

20 WHEREAS, the parties agree that the depositions should proceed at a point in time when
21 COVID 19 cases have at least stabilized and the State and County have eased current restrictions on
22 congregation in indoor spaces and non-essential travel;

23 WHEREAS, no final pre-trial conference has been set in this matter;

24 WHEREAS, no trial date has been set in this matter;

25 WHEREAS, the parties have met and conferred and hereby stipulate and agree that a
26 continuance of all pending dates for 180 days from the dates now set will allow time for the Parties to
27 conduct and complete depositions at a point in time when COVID 19 cases have at least stabilized and
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the State and County have eased current restrictions on congregation in indoor spaces and non-essential travel;

WHEREAS, the new dates requested by the Parties are as follows:

- The date for the completion of non-expert discovery shall be August 9, 2021;
- The date for the designation of Expert Witnesses shall be completion of expert discovery shall be September 9, 2021 with supplemental designations due 20 days thereafter;
- Dispositive Motions shall be heard no later than January 7, 2022.

WHEREFORE, the parties hereby stipulate, and respectfully ask the Court to modify the Scheduling Order by continuing all pending dates, including the expert and non-expert discovery cut offs, the filing deadline for dispositive motions, by 180 days, as indicated hereinabove, and without prejudice to requesting an additional extension of these dates should the public health emergency so require. As previously ordered by the Court, the parties will file a Joint Notice of Trial Readiness not later than 30 days after receiving the Court’s ruling(s) on the last filed dispositive motion. If the parties do not intend to file dispositive motions, the parties will file a Joint Notice of Trial Readiness not later than 120 days after the close of discovery, and the notice shall include statements of intent to forego the filing of dispositive motions. After review of the parties’ Joint Notice of Trial Readiness, the Court will issue an order that sets forth dates for a Final Pretrial Conference and Trial.

IT IS SO STIPULATED.

Dated: January 6, 2021

GAVRILOV & BROOKS

By /s/ Ognian A. Gavrilov
OGNIAN A. GAVRILOV
Attorneys for Plaintiff/Cross-Defendant
ROMEO & JULIETTE, INC.

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Dated: January 4, 2021

ELLIS LAW GROUP, LLC

By /s/ Mark E. Ellis
Attorneys for Defendant/Cross-Complainant
KEN WU

ORDER

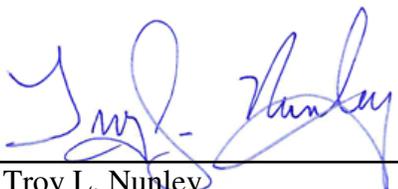
Pursuant to the stipulation of the parties, all the deadlines previously set by the Court in this case, including the non-expert and expert discovery cut off, expert disclosures and deadline for filing dispositive motions, are hereby extended by 180 days as follows:

- The date for the completion of non-expert discovery shall be August 9, 2021;
- The date for the designation of Expert Witnesses shall be completion of expert discovery shall be September 9, 2021 with supplemental designations due 20 days thereafter;
- Dispositive Motions shall be heard no later than January 7, 2022.

Further, the parties will file a Joint Notice of Trial Readiness not later than 30 days after receiving the Court’s ruling(s) on the last filed dispositive motion. If the parties do not intend to file dispositive motions, the parties will file a Joint Notice of Trial Readiness not later than 120 days after the close of discovery and the notice shall include statements of intent to forego the filing of dispositive motions. After review of the parties’ Joint Notice of Trial Readiness, the Court will issue an order that sets forth dates for a Final Pretrial Conference and Trial.

IT IS SO ORDERED.

DATED: January 7, 2021



Troy L. Nunley
United States District Judge