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 17 PACKAGING, L.P.

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

21 VINCE BUNIO
 22 Plaintiff,
 23 v.
 24 VICTORY PACKAGING, L.P.
 25 Defendant.

Case No. 2:18-cv-00897-KJM-EFB

**JOINT STIPULATION TO CONTINUE
 DISCOVERY AND RELATED MOTION
 DEADLINES AND ORDER**

Complaint Filed: January 30, 2018
 Trial Date: None Set
 Judge: Hon. Kimberly J. Mueller

1 **GROUND S FOR RELIEF**

2 Pursuant to Rule 16, a party may seek modification of a scheduling order, including
3 modification of a discovery cut-off date, "only for good cause and with a judge's consent." Fed. R.
4 Civ. P. 16(b)(4). A party may establish good cause by showing: (1) they he was diligent in
5 assisting the court in creating a workable Rule 16 order; (2) that his noncompliance with a Rule 16
6 deadline occurred or will occur, notwithstanding his diligent efforts to comply, because of the
7 development of a matter which could not have been reasonably foreseen or anticipated at the time
8 of the Rule 16 scheduling conference; and (3) that he was diligent in seeking amendment of the
9 Rule 16 order, once it became apparent that he could not comply with the order. Hood v. Hartford
10 Life & Accident Ins. Co., 567 F.Supp.2d 1221, 1224 (E.D. Cal. 2008).

11 Plaintiff VINCE BUNIO ("Plaintiff") and Defendant VICTORY PACKAGING, L.P.
12 ("Defendant") ("Plaintiff and Defendant are jointly referred to herein as the "Parties,"), by and
13 through their undersigned counsel of record, hereby jointly stipulate as follows:

14 **WHEREAS** the Parties have diligently conducted discovery in the instant, including by
15 propounding written discovery and taking the deposition of Plaintiff; and

16 **WHEREAS** the Parties experienced unexpected delays in the completion of written
17 discovery due to the sudden departure of Sean Gavin as Counsel for Plaintiff and substitution of
18 Rachel Renno for same on or about January 24, 2019 (ECF No. 11); and

19 **WHEREAS** the Parties were unable to resolve their dispute at the April 2, 2019 Mediation
20 pursuant to the Court's Voluntary Dispute Resolution Program ("VDRP"); and

21 **WHEREAS** good cause exists to provide for the brief continuation of discovery and
22 motion-related deadlines to enable the parties to more thoroughly explore the facts and evidence in
23 this matter and potential resolution before trial.

24 **NOW THEREFORE**, the Parties, by and through their undersigned respective counsel of
25 record, do HEREBY AGREE AND STIPULATE AND REQUEST APPROVAL of the following:

- 26 1. That the Non-Expert Discovery Cut-off, currently set for May 31, 2019, be
27 continued for sixty (60) calendar days to July 30, 2019; and
28 2. That the deadline to designate expert witnesses, currently set for August 2, 2019, be

1 continued for sixty (60) calendar days to October 1, 2019;

2 3. That the deadline to designate rebuttal expert witnesses, currently set for August 16,
3 2019, be continued for sixty (60) calendar days to October 15, 2019;

4 4. That the Expert-Discovery Cut-Off, currently set for September 16, 2019, be
5 continued for sixty (60) calendar days to November 15, 2019; and

6 5. That the deadline to hear dispositive motions, currently set for August 9, 2019, be
7 continued for sixty (60) calendar days to October 8, 2019.

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9 **SO STIPULATED.**

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11 DATED: April 30, 2019

FOOS GAVIN LAW FIRM, P.C.

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By: /s/ Rachel Renno

Rachel Renno
Attorneys for Plaintiff
VINCE BUNIO

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18 DATED: April 30, 2019

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

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By: /s/ Paul M. Smith

Lara C. de Leon
Paul M. Smith
Attorneys for Defendant VICTORY
PACKAGING, L.P.

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ATTESTATION

Concurrence in the filing of this document has been obtained from each of the individuals whose electronic signature is attributed above.

DATED: April 30, 2019

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/ Paul M. Smith
Lara C. de Leon
Paul M. Smith
Attorneys for Defendant VICTORY PACKAGING, L.P.

ORDER

Good cause appearing, the court modifies to pretrial scheduling order to extend discovery deadlines and all other dates in the Pretrial Scheduling Order as follows:

Event	Current Deadline	Modified Deadline
Non-expert discovery cut-off	May 31, 2019	July 30, 2019
Deadline to designate expert witnesses	August 2, 2019	October 1, 2019
Designate rebuttal expert witnesses	August 16, 2019	October 15, 2019
Last day to hear dispositive motions	August 9, 2019	October 18, 2019 ¹

IT IS SO ORDERED.

DATED: May 17, 2019.


UNITED STATES DISTRICT JUDGE

¹ The parties requested a 60-day extension to October 8, 2019, which is not an available law and motion calendar date. October 18, 2019 is the next available law and motion calendar date.