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20 UNITED STATES DISTRICT COURT  
 21 EASTERN DISTRICT OF CALIFORNIA

22 RAVEN DUNCAN, an individual,

23 Plaintiff,

24 vs.

25 STATE FARM MUTUAL  
 26 AUTOMOBILE INSURANCE  
 27 COMPANY, a corporation; and DOES 1  
 28 through 25, inclusive,

Defendants.

CASE NO. 2:18-cv-01174-KJM-AC

**STIPULATION AND ORDER TO  
 PARTIALLY REVISE THE COURT'S  
 OCTOBER 10, 2018 PRETRIAL  
 SCHEDULING ORDER AND DEADLINE TO  
 COMPLETE VDRP**

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, plaintiff Raven Duncan and State Farm Mutual Automobile Insurance Company ("State Farm,") by and through their respective counsel, hereby stipulate to partially revise the Court's September 27, 2019 Pretrial Scheduling Order and the deadline to complete VDRP as follows:

**I.  
RECITALS**

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3 1. Pursuant to the Court’s October 10, 2018 Pretrial Scheduling Order, State Farm and  
4 plaintiff began engaging in thorough meet and confer discussions regarding State Farm’s motion for  
5 summary judgment, or in the alternative, partial summary judgment (“Motion”) on September 25,  
6 2019.

7 2. During the meet and confer process related to the Motion, counsel raised issues that  
8 required further investigation by the parties.

9 3. Also during the meet and confer process related to the Motion, the parties engaged in  
10 discussions regarding the potential for settlement.

11 4. For the purpose of potentially narrowing the issues to be presented in State Farm’s  
12 Motion, and to further explore the potential for settlement, the parties agreed to request leave of the  
13 Court to continue the Pretrial Scheduling Order and deadline to complete VDRP for 90 days, which  
14 was granted on September 27, 2019.

15 5. The parties were able to resolve some but not all of the issues raised during their  
16 meet and confer efforts regarding the Motion.

17 6. The parties were unable to reach a settlement, and have agreed to proceed with  
18 scheduling VDRP.

19 7. On September 12, 2019, the parties chosen neutral, John A. Whitesides advised the  
20 parties that he has a conflict of interest with State Farm, and therefore the parties should choose a  
21 different neutral. He also noted that plaintiff’s motion to remand was set for hearing on October 3,  
22 2019, which ruling may disqualify the matter for VDRP.

23 8. The ADR Program Director has not assigned an alternative neutral.

24 9. The Court has not yet ruled on plaintiff’s motion to remand.

25 10. Accordingly, the parties hereby stipulate to partially revising the Court’s Pretrial  
26 Scheduling Order and deadline to complete VDRP as follows:  
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1 **ORDER**

2 The Court, having reviewed the parties' Stipulation to Partially Revise the Court's Pretrial  
3 Scheduling Order and deadline to complete VDRP, hereby **GRANTS** the parties' request. The new  
4 deadlines are as follows:

5 <b>Event</b>	<b>Previous Deadline</b>	<b>New Deadline</b>
6 Dispositive Motion Hearing	February 7, 2020	May 15, 2020 <sup>1</sup>
7 Complete VDRP	March 6, 2020	June 5, 2020
8 Discovery Cut-Off	April 17, 2020	July 17, 2020
9 Expert Disclosures	May 15, 2020	August 14, 2020
10 Expert Reports	June 2, 2020	September 2, 2020
11 Expert Discovery Cut-Off	July 2, 2020	October 2, 2020

12 **IT IS SO ORDERED.** Dated:

13 November 15, 2019

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16 UNITED STATES DISTRICT JUDGE

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28 <sup>1</sup> May 15, 2020, reflects a date designated for hearing law and motion matters.