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 21 SAFECO INSURANCE COMPANY OF AMERICA and
 22 LIBERTY MUTUAL INSURANCE COMPANY

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ALLEN LINK, an individual,)	CASE NO. 2:19-cv-00308-TLN-AC
)	
Plaintiff,)	JOINT STIPULATION AND ORDER
)	MODIFYING SCHEDULING ORDER
vs.)	
)	
SAFECO INSURANCE COMPANY OF)	
AMERICA, a corporation, LIBERTY)	
MUTUAL INSURANCE COMPANY, a)	
corporation, and DOES 1 through 10,)	
)	
Defendants.)	
)	

1
2 Plaintiff Allen Link (“Plaintiff”) and Defendants Safeco Insurance Company of America and
3 Liberty Mutual Insurance Company (“Defendants”) respectfully submit this stipulation and proposed
4 order to modify the Scheduling Order.

5 WHEREAS, Plaintiff filed his complaint in this action on February 19, 2019 (ECF 2);

6 WHEREAS, on February 19, 2019, the Court issued its Initial Pretrial Scheduling Order
7 (“Scheduling Order”) (ECF 4);

8 WHEREAS, Defendants filed their answer to the complaint on June 18, 2019 (ECF 11);

9 WHEREAS, under the terms of the Court’s Scheduling Order, the deadlines in this case are
10 calculated based on the date the answer was filed;

11 WHEREAS, the initial deadlines in this case were as follows:

12 Fact Discovery Cut Off: February 13, 2020

13 Expert Disclosures (60 days after discovery April 13, 2020
14 cut off):

15 Rebuttal Expert Disclosures (30 days after May 13, 2020
16 expert disclosures):

17 Deadline to Inform Court of no Dispositive June 12, 2020

18 Motions (120 days after close of discovery):

19 Deadline to file Dispositive Motions (180 August 11, 2020
20 days after close of discovery):

21 WHEREAS, due the trial calendars of counsel for Plaintiff and Defendants, and the location
22 and availability of witness, including out of state witnesses, the parties did not believe they would be
23 able to complete all depositions in the case by February 13, 2020 and so on January 21, 2020, they
24 stipulated to modify the scheduling order (ECF 14);

25 WHEREAS, on January 22, 2020, the Court granted the stipulation and modified the case
26 schedule (ECF 15.);

27 WHEREAS, after the Court’s order modifying the scheduling order was entered, on March 16,
28 2020, six San Francisco Bay Area Counties issued a shelter in place order (the “COVID Order”) that

1 was later extended to the entire state of California by Governor Gavin Newsom on March 19, 2020 for
2 an indefinite duration due to the coronavirus pandemic;

3 WHEREAS, the coronavirus pandemic and COVID Order, which requires all Californians to
4 stay in their homes with limited exceptions, impeded the parties' ability to conduct discovery including
5 scheduling and taking depositions and performing a site inspection of Plaintiff's property, so the parties
6 requested a further modification of the schedule order;

7 WHEREAS, on April 3, 2020, the parties further stipulated to modify the scheduling order in
8 light of the uncertainties caused by the pandemic and the COVID order (ECF 16.);

9 WHEREAS, on April 6, 2020, the Court granted the stipulation and ordered the case schedule
10 to be again modified (ECF 17.);

11 WHEREAS, the coronavirus pandemic continued to persist and spike in the State of California,
12 resulting in continuing shut down orders across the state that impeded the parties' efforts to complete
13 discovery, including conducting a site inspection of Plaintiff's property and depositions;

14 WHEREAS, due to the inability to conduct a site inspection of Plaintiff's property, the parties
15 again stipulated to extend the discovery deadlines in this action on August 17, 2020 (ECF 17.);

16 WHEREAS, on August 18, 2020, the Court granted the parties' stipulation and modified the
17 case schedule.

18 WHEREAS, the parties were able to complete the site inspection of Plaintiff's property and
19 additional discovery and wished to engage in alternative dispute resolution prior to completing the
20 remaining discovery in this case, which was not possible prior to completing the site inspection of
21 Plaintiff's property, which had been repeatedly delayed due to the coronavirus pandemic;

22 WHEREAS, the parties believed that extending the discovery deadlines in the case would
23 allow for sufficient time to explore alternative dispute resolution and so entered into a stipulation to
24 continue the dates on the Court's schedule on December 2, 2020 (ECF 20);

25 WHEREAS, on December 3, 2020, the Court granted the parties' stipulation and modified the
26 case schedule as follows:

27 Fact Discovery Cut Off: February 8, 2021

1 Expert Disclosures (60 days after discovery April 9, 2021
2 cut off):
3 Rebuttal Expert Disclosures (30 days after May 10, 2021
4 expert disclosures):
5 Deadline to Inform Court of no Dispositive June 8, 2021
6 Motions (120 days after close of discovery):
7 Deadline to file Dispositive Motions (180 August 9, 2021
8 days after close of discovery):

9 WHEREAS, the holiday season, the schedules of counsel and the continuing coronavirus
10 pandemic affected the parties' ability to meaningfully engage in alternative dispute resolution;

11 WHEREAS, the parties agree that extending the discovery deadlines in this case would allow
12 sufficient time to continue resolution discussions without incurring the remaining discovery costs,
13 which the parties believe may increase the prospects for resolution;

14 WHEREAS, extending the discovery deadlines in this case by 60 days will allow sufficient
15 time to continue discussions regarding resolution and complete discovery;

16 WHEREAS, extending the discovery deadlines in this case would not impact any hearing dates
17 set by the Court, but would impact other dates set by the Court, including the deadline to file
18 dispositive motions;

19 WHEREAS, good cause exists to modify the scheduling order because judicial economy would
20 be served by allowing the parties sufficient time to continue discussions regarding possible resolution
21 and complete discovery;

22 THEREFORE, the parties, by and through their respective counsel of record, agree and
23 stipulate to modify the scheduling order as follows:

24 Fact Discovery Cut Off: April 9, 2021
25 Expert Disclosures (60 days after discovery June 8, 2021
26 cut off):
27 Rebuttal Expert Disclosures (30 days after July 8, 2021
28 expert disclosures):

1 Deadline to Inform Court of no Dispositive August 6, 2021
2 Motions (120 days after close of discovery):
3 Deadline to file Dispositive Motions (180 October 6, 2021
4 days after close of discovery):

5 IT IS SO STIPULATED.

6 DATED: January 7, 2021

KERLEY SCHAFFER LLP

7
8 By: /s/ Christopher Carling

EDWARD KERLEY
9 DYLAN SCHAFFER
CHRISTOPHER CARLING

10 Attorneys for Plaintiff ALLEN LINK

11
12 DATED: January 7, 2021

MAYNARD COOPER & GALE LLP

13
14 By: /s/ Norman Lau

NICHOLAS J. BOOS
15 NORMAN LAU

16 Attorneys for Defendants SAFECO
17 INSURANCE COMPANY OF AMERICA
and LIBERTY MUTUAL INSURANCE
18 COMPANY

19 Pursuant to Stipulation, and good cause appearing, IT IS ORDERED that the scheduling order in
20 this case be modified as follows:

21 Fact Discovery Cut Off: April 9, 2021

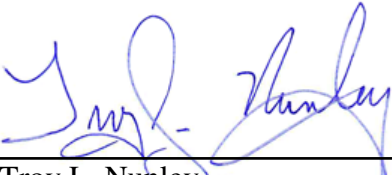
22 Expert Disclosures (60 days after discovery June 8, 2021
23 cut off):

24 Rebuttal Expert Disclosures (30 days after July 8, 2021
25 expert disclosures):

26 Deadline to Inform Court of no Dispositive August 6, 2021
27 Motions (120 days after close of discovery):
28

1 Deadline to file Dispositive Motions (180 October 6, 2021
2 days after close of discovery):
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4 DATED: January 7, 2021
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8 Troy L. Nunley
9 United States District Judge
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