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BOVE ENTERPRISES INC.;
11 JIFFY LUBE INTERNATIONAL, INC.

12 UNITED STATES DISTRICT COURT
13
14 EASTERN DISTRICT OF CALIFORNIA

15 PATRICK WITHROW, an individual; and,
16 KATHLEEN WITHROW, an individual;
Plaintiffs,

17 v.

18 JIFFY LUBE INTERNATIONAL, INC.;
19 BOVE ENTERPRISES, INC.; and, DOES 1
through 100 inclusive,
20 Defendants.

Case No. 2:19-cv-00478-MCE-EFB

**STIPULATION AND ORDER TO
CONTINUE ALL DEADLINES SET
FORTH IN TRIAL SCHEDULING
ORDER**

21
22 Plaintiffs PATRICK WITHROW and KATHLEEN WITHROW and Defendants JIFFY
23 LUBE INTERNATIONAL, INC. [hereinafter “JIFFY LUBE”], and BOVE ENTERPRISES, INC.
24 (hereinafter “BOVE”), hereby stipulate to the following:

25 On January 28, 2021, the Court issued an order extending the discovery deadlines in this
26 matter because of difficulties the parties have experienced in securing full discovery during the
27 COVID-19 pandemic. Since the January 2021 order, the circumstances concerning the Coronavirus
28 have not appreciably changed to permit discovery. Many percipient witnesses to the matters

1 alleged in this case reside in Arizona and as a result of travel restrictions, “social distancing
2 requirements,” and other Coronavirus related impediments, the parties have still not been able to
3 conduct the depositions. Delays have also arisen because the attorney previously handling this
4 matter for the defendants left the firm abruptly, and the successor attorneys assigned to the case are
5 still pending admission in the Eastern District.

6 The parties stipulate that good cause exists to continue the non-expert discovery cutoff
7 dates, and all subsequent cutoff dates, because of the extended delay in scheduling and
8 completing depositions set to take place in Arizona. Plaintiffs noticed numerous depositions of
9 witnesses in Phoenix, Arizona; however, the depositions have had to be continued because of the
10 witnesses’ unavailability and complications arising from the Coronavirus pandemic. Scheduling
11 issues have delayed some of the discovery already completed due to the unavailability of counsel,
12 witnesses, and parties. The prior attorney assigned to this matter has disassociated from the
13 Clapp Moroney firm, and replacement counsel are still becoming familiar with the facts and
14 issues presented by the plaintiff’s claims. The parties anticipate that scheduling issues amongst
15 the parties and witnesses along with complications due to the Coronavirus pandemic will
16 necessitate more time to complete fact discovery. Therefore, the parties hereby stipulate that,
17 provided the Court grants its consent, the deadline for the non-expert discovery cutoff, and all
18 subsequent cutoff dates, shall be continued in order to give the parties time to complete any
19 written discovery and the depositions of witnesses in California and Arizona.

20 The parties have also stipulated that they will participate in a mediation and are presently
21 in the process of choosing a mutually acceptable mediator. The requested extension of the
22 discovery cut-off will serve to facilitate the parties’ efforts to mediate their disputes as well.

23 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, BY AND THROUGH
24 THEIR ATTORNEYS OF RECORD, that the non-expert discovery cutoff date, and all subsequent
25 cutoff dates, set forth in the Court’s Scheduling Conference Order of January 28, 2021, shall be
26 modified as follows (modified dates are in bold):

27 **Non-Expert Discovery Cutoff:**

Originally March 16, 2020, continued
to April 20, 2021
To September 20, 2021

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Designation of Expert Witnesses Cutoff: Originally May 15, 2020, continued to July 20, 2021
To November 20, 2021

Supplemental Expert Witnesses Cutoff: Originally June 14, 2020, continued to August 20, 2021
To December 20, 2021

Dispositive Motions Cutoff: Originally September 12, 2020, continued to November 20, 2021
To February 20, 2022

Joint Notice of Trial Readiness Cutoff: Continued from December 20, 2021
To March 20, 2022

IT IS SO STIPULATED between the parties, and the parties respectfully request that the Court reduce this stipulation and the modified scheduling deadlines to an Order.

Dated: April 20, 2021

CLAPP, MORONEY, VUCINICH,
BEEMAN+SCHOLEY

By: _____
Warren M. Klein
Attorneys for Defendants BOVE ENTERPRISES
INC. DBA JIFFY LUBE

Dated: April 20, 2021

MASTAGNI HOLSTEDT, A.P.C.

By: _____
Grant A. Winter
Attorneys for Plaintiffs PATRICK WITHROW
and KATHLEEN WITHROW

1 **ORDER**

2 Having considered the parties' stipulated joint request to continue the deadline for the
3 cutoff of non-expert discovery, and all subsequent cutoff dates, the Court finds good cause for the
4 continuance.

5 It is ordered that the scheduling deadlines for this case be modified as follows:

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7 **Non-Expert Discovery Cutoff:** Continued from April 20, 2021
8 **To September 20, 2021**

9 **Designation of Expert Witnesses Cutoff:** Continued from July 20, 2021
10 **To November 20, 2021**

11 **Supplemental Expert Witnesses Cutoff:** Continued from August 20, 2021
12 **To December 20, 2021**

13 **Dispositive Motions Cutoff:** Continued from November 20, 2021
14 **To February 20, 2022**

15 **Joint Notice of Trial Readiness Cutoff:** Continued from December 20, 2021
16 **To March 20, 2022**

17 Given the issuance of this Order, Defendants' Motion for an Order Extending Discovery
18 Cutoff (ECF No. 23) is DENIED as moot.

19 IT IS SO ORDERED.

20 Dated: April 27, 2021

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23 MORRISON C. ENGLAND, JR.
24 SENIOR UNITED STATES DISTRICT JUDGE
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