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10 Attorneys for Plaintiffs  
 11 D.L. MARKHAM, DDS, MSD, INC. 401(K) PLAN  
 12 and D.L. MARKHAM, DDS, MSD, INC., as plan administrator

13 UNITED STATES DISTRICT COURT  
 14 EASTERN DISTRICT OF CALIFORNIA

16 D.L. MARKHAM, DDS, MSD, INC. 401(K)  
 17 PLAN;  
 18 1101 Maidu Drive,  
 19 Auburn, California, 95603,  
 20 D.L. MARKHAM, DDS, MSD, INC., as plan  
 21 administrator;  
 22 1101 Maidu Drive,  
 23 Auburn, California, 95603, on behalf of  
 24 themselves and others similarly situated,

Case No. 2:21-cv-00007-TLN-KJN  
**AMENDED SCHEDULING ORDER**  
  
 Complaint Filed: January 4, 2021  
 Trial Date: None set

22 Plaintiffs,

23 v.

24 THE VARIABLE ANNUITY LIFE  
 25 INSURANCE COMPANY (VALIC); VALIC  
 26 FINANCIAL ADVISORS, INC.; VALIC  
 27 RETIREMENT SERVICES COMPANY;  
 28 2929 Allen Parkway, Houston, Texas, 77019,

Defendants.

1 Pursuant to the Court’s February 8, 2021 Minute Order [Dkt. 13], the parties, Plaintiffs  
2 D.L. MARKHAM, DDS, MSD, INC. 401(k) PLAN; 1101 Maidu Drive, Auburn, California,  
3 95603, D.L. MARKHAM, DDS, MSD, INC., as plan administrator; 1101 Maidu Drive, Auburn,  
4 California, 95603, on behalf of themselves and others similarly situated (“Plaintiffs”) and  
5 Defendants THE VARIABLE ANNUITY LIFE INSURANCE COMPANY (VALIC), VALIC  
6 FINANCIAL ADVISORS, INC. and VALIC RETIREMENT SERVICES COMPANY  
7 (collectively “VALIC Defendants”), by and through their respective counsel, submit the  
8 following Proposed Amended Scheduling Order:

9 1. The parties shall confer as required by Federal Rule of Civil Procedure 26(f) by March  
10 5, 2021.

11 2. The parties shall complete all discovery, with the exception of expert discovery, no  
12 later than 365 days from the date upon which the last answer may be filed with the Court  
13 pursuant to the Federal Rules of Procedure.

14 3. 30 days after the close of discovery, Plaintiffs’ counsel shall designate in writing,  
15 file with the Court, and serve upon all other parties the name, address, and area of expertise of  
16 each expert that Plaintiffs propose to tender at trial or in a subsequently filed motion. The  
17 designation shall be accompanied by a written report prepared and signed by the witness. The  
18 report shall comply with Federal Rule of Civil Procedure 26(a)(2)(B).

19 4. 60 days after the close of discovery, Defendants’ counsel shall designate in writing,  
20 file with the Court, and serve upon all other parties the name, address, and area of expertise of  
21 each expert that Defendants propose to tender at trial or in a subsequently filed motion. The  
22 designation shall be accompanied by a written report prepared and signed by the witness. The  
23 report shall comply with Federal Rule of Civil Procedure 26(a)(2)(B).

24 5. 30 days after the Defendants’ designation of expert witnesses, Plaintiff may  
25 designate a supplemental list of expert witnesses who will express an opinion on a subject  
26 covered by Defendants’ expert(s). The right to designate a supplemental expert is for rebuttal  
27 purposes only.

28 All experts designated are to be fully prepared at the time of designation to render an

1 informed opinion, and given their bases for their opinion, so that they will be able to give full  
2 and complete testimony at any deposition taken by the opposing party. Expert discovery shall  
3 close either 30 days after Defendants' designation of their experts or 30 days after Plaintiffs'  
4 supplemental designation, whichever is later.

5 6. Pursuant to Federal Rule of Civil Procedure 26(e), the parties shall exchange any  
6 supplemental disclosures and responses (including expert supplemental materials) no later than  
7 30 days prior to the class certification hearing date. Any supplemental disclosures and responses  
8 necessary after said date will require leave of Court good cause having been shown.

9 7. Plaintiffs shall file their motion for class certification within 60 days of the  
10 supplemental expert witness designation deadline.

11 8. The parties shall file dispositive motions no later than 60 days after receiving the  
12 Court's ruling(s) on class certification.

13 9. The parties shall file a Joint Notice of Trial Readiness no later than 30 days after  
14 receiving the Court's ruling(s) on the last filed dispositive motion(s).

15  
16 Dated: February 16, 2021

McDOWELL HETHERINGTON LLP

17  
18  
19 By: /S/

David T. McDowell

Blaire J. Johnson

Charan M. Higbee

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21  
22 Attorneys for Defendants THE VARIABLE  
23 ANNUITY LIFE INSURANCE COMPANY,  
24 VALIC FINANCIAL ADVISORS, INC, and  
25 VALIC RETIREMENT SERVICES COMPANY  
26  
27  
28

1 Dated: February 16, 2021

BAKER CURTIS & SCHWARTZ, P.C.

2  
3 By: /s/ Michael Curtis

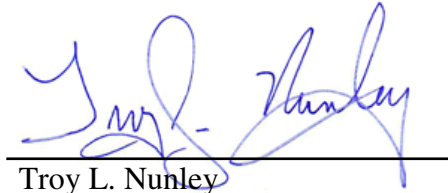
4 Chris Baker  
5 Michael Curtis

6 David F. Crutcher  
7 Law Office of David F. Crutcher

8 Attorneys for Plaintiffs

9  
10 **IT IS SO ORDERED.**

11 Dated: February 17, 2021

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13 Troy L. Nunley  
14 United States District Judge