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ATTORNEY FOR PLAINTIFF
KERI KUBOKAWA VOGTMANN

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KERI KUBOKAWA VOGTMANN,

Plaintiff,

vs.

LIBERTY IT SOLUTIONS, LLC.; INSPERITY PEO SERVICES, L.P.; and DOES 1 through 50, inclusive,

Defendants.

Case No. 2:21-cv-01912-TLN-KJN

STIPULATION AND ORDER EXTENDING DISCOVERY DEADLINE

Plaintiff KERI KUBOKAWA VOGTMANN and Defendant LIBERTY IT SOLUTIONS, LLC, by and through their counsel of record, hereby stipulate and request as follows:

1. This case was filed in the United States District Court for the Eastern District of California (Sacramento) on October 13, 2021.

2. Defendant LIBERTY IT SOLUTIONS, LLC filed an Answer to the Complaint on November 12, 2021.

3. Defendant INSPERITY PEO SERVICES, L.P. was voluntarily dismissed pursuant to the parties' stipulation on December 16, 2021.

4. Pursuant to Section III of the District Court's Initial Pretrial Scheduling Order dated October 14, 2021 [Docket No. 4], all discovery was to be completed no later than (240) days from the date upon which the last answer may be filed with the Court pursuant to the Federal Rules of Civil Procedure, or approximately on or before July 10, 2022.

5. Since the case was filed, the parties have exchanged Initial Disclosures as well as written discovery. Plaintiff propounded written discovery to Defendant in December 2021, which Defendant responded to in April 2022. Defendant propounded written discovery to Plaintiff in March 2022, which Plaintiff responded to in June 2022.

6. In March and April of 2022, Plaintiff's counsel Matthew Ruggles sent (former) Defense counsel Kristin Smith multiple email messages requesting available dates for the depositions of three employees of Defendant: Eddie Urso, Mark Merz and Amanda Beylo. Despite several requests for available dates, Defense Counsel did not offer any dates or make any response to Plaintiff's counsel's inquiries.

7. On July 26, 2022, Defense Counsel Omar F. Hassan contacted Plaintiff's counsel and informed Plaintiff's counsel that going forward, Mr. Hassan and his colleague Keith Smith would be taking over the litigation within the firm, and that Kristin Smith, Esq. and Alicia Kenyon, Esq. no longer would be involved in the lawsuit.

8. In response to Defense Counsel's email on July 26, 2022, Plaintiff's counsel again requested available dates for the depositions of the same three individuals: Amanda Beylo, Mark Merz and Eddie Urso. However, July 26, 2022 was more than 240 days from the filing of Defendant's Answer to the Complaint.

9. Defense Counsel has also, on multiple occasions, requested available dates for the deposition of Plaintiff from Plaintiff's counsel, but no dates were provided until recently, namely September 14, 2022.

10. After meeting and conferring by telephone, Defense Counsel and Plaintiff's Counsel stipulated and agreed to request that the District Court extend the discovery deadline to January 31, 2023 so that the parties can complete discovery, including but not limited to the following depositions: Eddie Urso (scheduled for 10/10/22), Mark Merz (scheduled for 10/12/22) and Amanda Beylo (scheduled for 10/14/22) and Plaintiff's deposition (not yet scheduled).

11. The parties have not requested any prior extensions of time for the deadlines set forth in the Initial Pretrial Scheduling Order

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IT IS SO STIPULATED AND REQUESTED.

DATED: September 14, 2022

RUGGLES LAW FIRM

By: _/s/ *Matthew J. Ruggles*_____
MATTHEW J. RUGGLES
Attorney for Plaintiff
KERI KUBOKAWA VOGTMANN

DATED: September 14, 2022

WOOD, SMITH, HENNING & BERMAN LLP

By: _/s/ Omar F. Hassan (authorized 9/14/22)
KEITH E. SMITH
OMAR F. HASSAN
Attorneys for Defendant
LIBERTY IT SOLUTIONS, LLC

ORDER

Based upon the Stipulation and request by the parties to extend the discovery deadline to January 31, 2023, and good cause appearing, it is ordered that the deadline to complete all discovery shall be January 31, 2023.

IT IS SO ORDERED.

DATED: September 14, 2022

Troy L. Nunley
United States District Judge