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15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA
17

18 WESLEY PERKOWSKI,
19 Plaintiff,

20 v.

21 FEDEX GROUND PACKAGE SYSTEM, INC.
and DOES 1 TO 10,
22 Defendants.
23

CASE NO.: 2:23-CV-02803-DJC-JDP

*[Removed from San Joaquin County
Superior Court, Case No. STK-CV-UWT-
2023-0011482]*

**AMENDED SECOND JOINT
STIPULATION TO CONTINUE
DISCOVERY DEADLINES; ORDER**

Complaint Filed: November 1, 2023
Trial Date: November 10, 2025

1 Pursuant to Locale Rule 144, Plaintiff WESLEY PERKOWSKI (“Plaintiff”) and Defendant
2 FEDEX GROUND PACKAGE SYSTEM INC., (“Defendant”) (“collectively, the “Parties”), by and
3 through their respective counsel of record, hereby jointly stipulate and respectfully request that the Court
4 continue the fact and expert discovery cutoff and associated deadlines as follows.

5 WHEREAS, on February 2, 2024, this Court issued a Scheduling Order establishing the
6 discovery deadline dates for the instant matter [Dkt. 7];

7 WHEREAS, in the Scheduling Order the Court set a fact discovery cutoff of December 13, 2024
8 [*Id.*];

9 WHEREAS, in the Scheduling Order the Court set a cutoff for the Parties to disclose expert
10 witnesses and produce reports in accordance with FRCP 26(a)(2) by January 10, 2025 [*Id.*];

11 WHEREAS, in the Scheduling Order the Court set a cutoff for the Parties to disclose rebuttal
12 expert witnesses and produce reports in accordance with FRCP 26(a)(2) by February 7, 2025 [*Id.*];

13 WHEREAS, in the Scheduling Order the Court set an expert witness discovery cutoff of March 7,
14 2025 [*Id.*];

15 WHEREAS, on December 9, 2024, the Parties filed a Joint Stipulation to Continue Discovery
16 Deadlines [Dkt 11.];

17 WHEREAS, on December 11, 2024, this Court issued an Order extending the below discovery
18 deadlines:

- 19 • Fact Discovery deadline extended to February 28, 2025,
- 20 • Initial Expert Disclosure and Reports deadline extended to March 14, 2025,
- 21 • Rebuttal Expert Disclosure and Reports deadline extended to April 4, 2025, and
- 22 • Expert Discovery deadline extended to April 25, 2025.

23 [Dkt. 12.];

24 WHEREAS, the Parties requested a prior extension and change to the Scheduling Order’s
25 discovery cutoff dates, was the Joint Stipulation filed on December 9, 2024 [Dkt. 11] and Order granted
26 on December 11, 2024 [Dkt 12.];

27 WHEREAS, on February 28, 2025, the Parties filed a Second Joint Stipulation to Continue
28 Discovery Deadlines [Dkt 15.], and Deputy Michel informed the Parties that the Court could not
accommodate the proposed schedule as set forth in the Parties’ Stipulation, and provided the below

1 recommended schedule that the Court’s calendar could accommodate;

2 WHEREAS, the Parties have engaged in and continue to engage in fact discovery, but because
3 of unforeseen delays related to Defendant’s employee witness’s extended leave from work that made
4 him unavailable for his deposition, but who is now available should the Parties be granted an extension
5 to arrange and schedule said deposition;

6 WHEREAS, the Parties have and continue to cooperate in the exchange of necessary discovery,
7 and therefore respectfully request that this Court grant the Parties agreement to extend the deadline for
8 the fact discovery consisting of:

- 9 a. Deposition of Defendant’s employee, David Olmedo, to be taken within the month of
10 March; and
- 11 b. Follow up discovery relating to Olmedo’s testimony during his deposition or related to
12 Defendant’s production in response to Plaintiff’s Request for Production, Set Three.

13 WHEREAS, the Parties have engaged in and continue to engage in fact discovery necessary for
14 both Parties, and therefore agree to extend the deadline for the expert witnesses taking into account the
15 new fact discovery cutoff date;

16 WHEREAS, FRCP 29(b) allows for Parties to stipulate that other procedures governing or
17 limiting discovery be modified;

18 WHEREAS, such stipulation extending the time for any form of discovery must have court
19 approval if it would interfere with the time set for completing discovery, for hearing a motion, or for
20 trial;

21 WHEREAS, the Parties seek to resolve the issue without additional motion work;

22 WHEREAS, Federal Rule of Civil Procedure 16(b)(4) requires good cause and judicial consent
23 as prerequisites to modifying a scheduling order;

24 WHEREAS, no party will be prejudiced by the requested extensions, and

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1 THEREFORE, THE PARTIES HEREBY STIPULATE to, and seek an order from this Court,
2 subject to its availability, permitting the following new deadlines:

3 Event	Original Deadline	First Extended Deadline	Proposed New Deadline
4 Fact Discovery	12/13/2024	2/28/2025	3/28/2025
5 Initial Expert Disclosure 6 and Reports	1/10/2025	3/14/2025	4/16/2025
7 Rebuttal Expert 8 Disclosure and Reports	2/7/2025	4/4/2025	4/30/2025
9 Expert Discovery	3/7/2025	4/25/2025	5/23/2025
10 Dispositive Motions	5/16/2025	No Change	6/27/2025
11 Last day for hearing on 12 Dispositive Motions	6/26/2025	No Change	8/21/2025
13 Final Pretrial Conference	9/11/2025	No Change	11/6/2025
14 Trial	11/10/2025	No Change	11/12/2025

15 **IT IS SO STIPULATED.**

16 DATE: March 7, 2025

FISHER & PHILLIPS LLP

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18 By: */s/ Elizabeth C. Lobaugh*

19 Christopher S. Alvarez
Elizabeth C. Lobaugh

20 Attorneys for Defendant
FEDERAL EXPRESS CORPORATION, successor by
21 merger to FEDEX GROUND PACKAGE SYSTEM,
INC.

22
23 DATE: March 7, 2025

PERKOWSKI LAW OFFICE

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25 By: */s/ Leora J. Perkowski*

Leora J. Perkowski

26 Attorney for Plaintiff
27 WESLEY PERKOWSKI
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ORDER

Having read and considered the Parties' Joint Stipulation, for good cause appearing, IT IS HEREBY ORDERED that all pretrial and trial dates and deadlines be MODIFIED as follows:

Event	Original Deadline	First Extended Deadline	Proposed New Deadline
Fact Discovery	12/13/2024	2/28/2025	3/28/2025
Initial Expert Disclosure and Reports	1/10/2025	3/14/2025	4/16/2025
Rebuttal Expert Disclosure and Reports	2/7/2025	4/4/2025	4/30/2025
Expert Discovery	3/7/2025	4/25/2025	5/23/2025
Dispositive Motions	5/16/2025	No Change	6/27/2025
Last day for hearing on Dispositive Motions	6/26/2025	No Change	8/21/2025 at 1:30 PM
Final Pretrial Conference	9/11/2025	No Change	11/6/2025 at 1:30 PM
Trial	11/10/2025	No Change	1/12/2026 at 8:30 AM

IT IS SO ORDERED.

Dated: March 10, 2025

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE