

1 Last Day for Rebuttal Expert
Disclosure: December 23, 2009

2 Last Day for Expert Disclosure: December 16, 2009

3 Close of Non-expert Discovery: October 1, 2009;

4 Whereas, since the entry of the July 21, 2009 Order, the parties have attempted to
5 schedule a mediator who is mutually acceptable to the parties; but the desired mediator
6 is not available until October, 2009;

7
8 Whereas, plaintiff has advised defendant that she wishes to depose eight (8)
9 individuals identified by defendant in its FRCP 26 Initial Disclosure Statement and
10 additionally wishes to take a FRCP 30(B)(6) deposition of defendant on certain subjects
11 of testimony;

12 Whereas, defendant has advised plaintiff that the identified deponents are located
13 in Chicago and Nashville and

14 Whereas, the parties both desire to mediate the case before substantial fees are
15 incurred to attend out of state depositions and to prepare for and brief dispositive
16 motions.

17 Now, therefore the parties hereby stipulate and agree, subject to the Court's
18 approval, that the following pre-trial dates may be continued for a period not to exceed
19 thirty (30) days, with the exception of the close of non-expert discovery which will be
20 extended forty three (43) days, which will keep the Pre-trial and Trial dates of January 12,
21 2010 and February 1, 2010, respectively, in place. If the Court is unwilling to approve
22 said stipulation, the parties request in the alternative, that all dates, including the Pre-Trial
23 and Trial dates, be continued for thirty (30) days, again with the exception of the close
24 of non-expert discovery which will be extended forty three (43) days. The proposed new
25 dates are:

26 Last Day to Hear Dispositive
27 Motions: December 2, 2009

28 Last Day for Expert Discovery: January 11, 2010

1 Last Day for Rebuttal Expert
Disclosure: January 4, 2010
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3 Last Day for Expert Disclosure: December 14, 2009
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5 Close of Non-expert Discovery: November 13, 2009
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7 The trial date of February 1, 2010 and the Pre Trial Conference of January 12, 2010
8 will not be altered by this schedule

9 The alternative schedule proposed by the parties, which includes a continuance of
10 the Pre-Trial and Trial dates would be as follows:

11 Trial Date: March 1, 2010
12 Pre-Trial Conference: February 9, 2010
13 Last Day to Hear Dispositive
14 Motions: December 2, 2009
15 Last Day for Expert Discovery: February 2, 2010
16 Last Day for Rebuttal Expert
17 Disclosure: January 18, 2010
18 Last Day for Expert Disclosure: January 4, 2010
19 Close of Non-expert Discovery: November 13, 2009

20 DATED: August 26, 2009 KANTOR & KANTOR LLP

21
22 /s/ Brent Dorian Brehm
23 By: _____
24 Brent Dorian Brehm
25 Attorneys for Plaintiff

26 DATED: August 26, 2009 WILDMAN, HARROLD, ALLEN & DIXON

27
28 /s/ Lisa S. Simmons
By: _____
Lisa S. Simmons
Attorneys for Defendant

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ORDER

The Court having reviewed the stipulation between Plaintiff and Defendant for a continuance of the Pre-Trial Dates,

IT IS HEREBY ORDERED that the Stipulation is approved and that the new Pre-trial dates in this matter are as follows:

- Last Day to Hear Dispositive Motions December 2, 2009
- Last Day for Expert Discovery January 11, 2010
- Last Day for Rebuttal Expert Disclosure January 4, 2010
- Last Day for Expert Disclosure December 14, 2009
- Close of Non-expert Discovery November 13, 2009

The Trial date of February 1, 2010 and the Pre-Trial date of January 12, 2010 will remain the same.

DATED: August 26, 2009


Hon. Bernard Zimmerman
United States District Court Magistrate Judge

The parties are cautioned that absent extraordinary circumstances, the Court will not grant a Rule 56(f) continuance of a summary judgment motion filed for hearing on December 2, 2009. Discovery should be planned accordingly.

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[PROPOSED ALTERNATIVE] ORDER

The Court having reviewed the stipulation between Plaintiff and Defendant for a continuance of the Pre-Trial Dates,

IT IS HEREBY ORDERED that the Stipulation is approved and that the new Pre-trial and Trial dates in this matter are as follows:

- | | |
|---|-------------------|
| Trial Date: | March 1, 2010 |
| Pre-Trial Conference: | February 9, 2010 |
| Last Day to Hear Dispositive Motions | December 2, 2009 |
| Last Day for Expert Discovery | February 2, 2010 |
| Last Day for Rebuttal Expert Disclosure | January 18, 2010 |
| Last Day for Expert Disclosure | January 4, 2010 |
| Close of Non-expert Discovery | November 13, 2009 |

DATED:

Hon. Bernard Zimmerman
United States District Court Magistrate Judge