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ELLIOT ZEISEL

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

ELLIOT ZEISEL, on behalf of himself and all  
others similarly situated,  
  
Plaintiffs,  
  
v.  
  
DIAMOND FOODS, INC., a Delaware  
corporation,  
  
Defendant.

**Case No. 3:10-cv-01192 JSW (EDL)**  
**JOINT STIPULATED REQUEST AND**  
**~~PROPOSED~~ ORDER AMENDING**  
**JUNE 13, 2011 ORDER SCHEDULING**  
**TRIAL AND PRETRIAL MATTERS**

Date Complaint Filed: March 22, 2010

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1 Pursuant to this Court’s Civil Standing Orders, October 19, 2010 Order Scheduling Trial and  
2 Pretrial Matters, February 3, 2011 Order Amending October 19, 2010 Order Scheduling Trial and  
3 Pretrial Matters, June 13, 2011 Order Amending February 3, 2011 Order Scheduling Trial and  
4 Pretrial Matters, and Civil Local Rules 6-2, 7-1(a) and 7-12, Plaintiff Elliot Zeisel (“Plaintiff”) and  
5 Defendant Diamond Foods, Inc. (“Diamond”) (collectively, the “Parties”) stipulate and agree as  
6 follows:

7 WHEREAS, on October 19, 2010 the Court entered its Order Scheduling Trial and Pretrial  
8 Matters [Docket No. 41] (“October 2010 Scheduling Order”);

9 WHEREAS, on February 3, 2011 the Court modified the October 2010 Scheduling Order  
10 pursuant to the parties’ Joint Stipulated Request and entered its Order Amending Order Scheduling  
11 Trial and Pretrial Matters [Docket No. 66] (“February 2011 Scheduling Order”);

12 WHEREAS, on June 13, 2011 the Court modified the February 2011 Scheduling Order  
13 pursuant to the parties’ Joint Stipulated Request and entered its Order Amending Order Scheduling  
14 Trial and Pretrial Matters [Docket No. 158] (“June 2011 Scheduling Order”);

15 WHEREAS, in an attempt to avoid motion practice regarding certain depositions, the Parties  
16 are in the process of negotiating an agreement by which Diamond will produce additional documents  
17 in lieu of certain depositions;

18 WHEREAS, the Parties have been working diligently and expeditiously to conduct fact  
19 discovery in this matter, have successfully reached agreement on nearly all discovery issues to date  
20 and respectfully request a two-week extension of the expert discovery and disclosure cut-off dates to  
21 allow for Parties to resolve their remaining discovery disputes– mostly related to a single deposition  
22 – described in the accompanying declarations;

23 THEREFORE, the undersigned Parties submit this stipulated request and respectfully request  
24 the Court amend the June 2011 Scheduling Order as follows:

25 Jury Trial Date: Monday, 1/30/2012, at 8:00 a.m., 10-day estimate (*no change*)

26 Pretrial Conference: Monday, 1/9/2012, at 2:00 p.m. (*no change*)

27 Last Day to Hear Dispositive Motions: Friday, 11/4/2011, 9:00 a.m. (*no change*)

28 Last Day for Expert Discovery: Friday, 11/4/2011 (*previously 10/21/2011*)

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Last Day for Expert Disclosure: Friday, 10/14/2011 (*previously 9/30/2011*)

Close of Non-Expert Discovery: Wednesday, 8/31/2011 (*no change*)

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

Respectfully submitted,

Dated: August 29, 2011

STEMBER FEINSTEIN DOYLE & PAYNE, LLC

By: /s/ Joseph N. Kravec, Jr.  
Joseph N. Kravec, Jr.  
Attorneys for Plaintiff  
ELLIOT ZEISEL

Dated: August 29, 2011

WINSTON & STRAWN LLP

By: /s/ Amanda L. Groves  
Amanda L. Groves  
Attorneys for Defendant  
DIAMOND FOODS, INC.

I, Amanda L. Groves, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the concurrence to the filing of this document has been obtained from each signatory hereto.

/s/ Amanda L. Groves  
Amanda L. Groves

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: August 30, 2011

  
The Honorable Jeffrey S. White  
United States District Judge