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13
 14 **UNITED STATES DISTRICT COURT**
 15
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17 AARON LEWIS,
 18
 19 Plaintiff,
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 21 v.

22 THE HOME DEPOT U.S.A., INC., a
 23 corporation; ELENA PEREZ, an individual,
 24 and DOES 1 - 20,
 25
 26 Defendants.

Case No.: 3:12-cv-06354- EMC

27 **STIPULATION AND [PROPOSED] ORDER**
 28 **MODIFYING CASE MANAGEMENT AND**
PRETRIAL ORDER FOR JURY TRIAL;
DECLARATION OF GREGORY C. CHENG
IN SUPPORT THEREOF

Trial Date: July 28, 2014
 Time: 8:30 a.m.
 Courtroom: 5, 17th Floor

Action filed: November 15, 2012

Case No. 3:12-cv-06354-EMC

**STIPULATION AND [PROPOSED] ORDER MODIFYING CASE MANAGEMENT AND PRETRIAL
 ORDER FOR JURY TRIAL; DECLARATION OF GREGORY C. CHENG IN SUPPORT THEREOF**

1 **STIPULATION**

2 IT IS HEREBY STIPULATED by and between plaintiff Aaron Lewis (“Plaintiff”) and defendant
3 Home Depot U.S.A., Inc. (“Defendant”), through their respective attorneys of record, that the
4 following Stipulation be entered as an Order by the Court to give effect to the stipulations set forth
5 below:

6 1. WHEREAS, Plaintiff filed a civil action on November 15, 2012 alleging numerous
7 claims related to the termination of his employment from Defendant.

8 2. WHEREAS, on August 23, 2013, entered a Case Management and Pretrial Order
9 for Jury Trial, Docket Number 43 (hereinafter, “Case Management Order”).

10 3. WHEREAS, the Case Management Order instructed that:

11 a. Non-expert discovery shall be cut-off on February 6, 2014;

12 b. Expert reports shall be produced by February 6, 2014;

13 c. Rebuttal expert reports shall be produced by February 27, 2014; and

14 d. Expert Discovery shall be cut-off on March 20, 2014.

15 4. WHEREAS, counsel for Plaintiff and Defendant met and conferred in-person on
16 Monday, January 6, 2014 on a range of discovery issues at the United States District Court for the
17 Northern District of California.

18 5. WHEREAS, the parties are in the process of scheduling multiple depositions of
19 witnesses. Several of the depositions are of witnesses who are located out-of-state.

20 6. WHEREAS, good cause exists for discovery deadlines to be extended by thirty (30)
21 days in order to allow the parties ample time to complete non-expert depositions and to also to
22 pursue efforts to resolve this matter.

23 7. WHEREAS, the parties, through their respective counsel of record, agree and
24 stipulate that the following deadlines be extended by approximately thirty (30) days:

25 a. Non-expert discovery cut-off date shall be extended from February 6, 2014
26 to March 10, 2014;

27 b. Deadline to produce expert reports shall be extended from February 6, 2014
28 to March 10, 2014;

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- c. Deadline to produce rebuttal expert reports shall be extended from February 27, 2014 to March 31, 2014; and
- d. Expert discovery cut-off shall be extended from March 20, 2014 to April 21, 2014.

DATED: January 9, 2014

LAW OFFICES OF ALAN F. COHEN

By: /s/ Alan F. Cohen
 ALAN F. COHEN
 Attorneys for Plaintiff
 AARON LEWIS

DATED: January 9, 2014

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/ Brooke S. Purcell
 GREGORY C. CHENG
 BROOKE S. PURCELL
 Attorneys for Defendant
 HOME DEPOT U.S.A., INC.

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatory.

DATED: January 9, 2014

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/ Brooke S. Purcell
 GREGORY C. CHENG
 BROOKE S. PURCELL
 Attorneys for Defendants
 HOME DEPOT U.S.A., INC.

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DECLARATION OF GREGORY C. CHENG

I, Gregory C. Cheng, declare:

1. I am an attorney at law duly admitted to practice before all the courts of the State of California and the Northern District of California. I am a shareholder at the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and lead trial counsel in this matter for defendant The Home Depot U.S.A., Inc. (“Home Depot”).

2. I have personal knowledge of the matters stated herein. I submit this declaration pursuant to Civil Local Rule 6-2(a) in support of Home Depot and plaintiff Aaron Lewis’ Stipulation to Extend Discovery Deadlines.

3. The enlargement of time for discovery related deadlines is necessary so that the parties (1) will have sufficient time to complete numerous depositions, of which some will be scheduled to take place out-of-state, before the discovery cut-off date; and (2) may continue efforts to informally resolve this matter.

4. No prior time modifications have been requested by the parties in this matter.

5. The requested time modifications will impact non-expert and expert discovery deadlines. However, the requested time modifications should not substantively impact other deadlines in this matter.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on January 9, 2014 in San Francisco, California.

/s/ Gregory C. Cheng
Gregory C. Cheng

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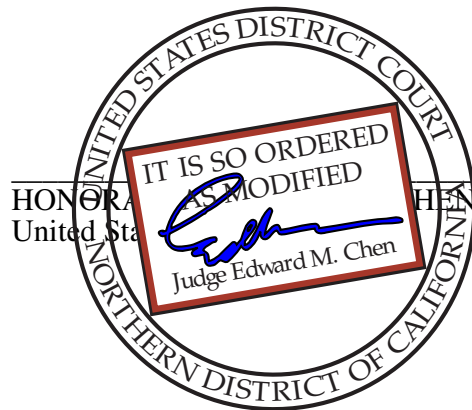
[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The August 23, 2013 Case Management and Pretrial Order for Jury Trial is modified such that:

1. Non-expert discovery cut-off shall be extended by one month from February 6, 2014 to March 10, 2014;
2. The deadline to produce expert reports shall be extended by one month from February 6, 2014 to March 10, 2014;
3. The deadline to produce rebuttal expert reports shall be extended by one month from February 27, 2014 to March 31, 2014; and
4. Expert discovery cut-off shall be extended by one month from March 20, 2014 to April 21, 2014.

DATED: January 21, 2014



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