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 10 Sheila C. Peterson



8 U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

10 JANICE E. CORN,  
 11 Plaintiff,  
 12 v.

13 ERIC P. ANDREWSSEN; ARC CAPITAL;  
 14 SHEILA C. PETERSON; CARL PETER  
 15 FOPPIANO dba ARC CAPITAL and DOES 3-  
 16 100, inclusive,  
 17 Defendants.

CASE NO.: C 13-1367

**JOINT STIPULATION AND MOTION TO  
 MODIFY SCHEDULING ORDER**

Judge: Honorable Susan Illston

Complaint Filed: March 27, 2013  
 Trial Date:

16 ERIC P. ANDREWSSEN,  
 17 Cross-claimant,  
 18 v.

19 SHEILA C. PETERSON; CARL PETER  
 20 FOPPIANO; and ROES 1-100,  
 21 inclusive,  
 22 Cross-defendants.

23 WHEREAS, plaintiff JANICE CORN and defendants SHEILA PETERSON; ERIC P.  
 24 ANDREWSSEN; and CARL PETER FOPPIANO dba ARC CAPITAL are the only parties to this  
 25 proceeding and collectively join in this Stipulation and Motion;

26 WHEREAS, on July 29, 2013, the Court entered a Pretrial Preparation Order (“Order”)(ECF  
 27 38);

28 WHEREAS, the Order requires the designation of experts to occur on September 2, 2013;

1 WHEREAS, the date for designation of experts is almost two months prior to the non-expert  
2 discovery cut-off of October 25, 2013;

3 WHEREAS, the parties have met and conferred and believe that the completion of non-  
4 expert discovery prior to commencing expert discovery will advance the orderly and efficient  
5 scheduling of all discovery in this matter;

6 WHEREAS, the parties believe that commencing expert discovery prior to the completion  
7 of non-expert discovery will likely result in increased and unnecessary cost and expense relating to  
8 expert discovery;

9 WHEREAS, based upon the foregoing the parties believe that modifying the Order, as  
10 follows, would advance the orderly conduct of discovery in this matter:

11 Designation of Experts on November 1, 2013

12 Any Rebuttal on November 13, 2013

13 All Expert Discovery to be completed by December 6, 2013;

14 WHEREAS, the proposed extension of dates to complete expert discovery will still allow  
15 for all expert discovery to be completed before the completion of dispositive motion briefing and  
16 any hearing presently set in the Order;

17 WHEREAS, the extension of dates to complete expert discovery will not change any other  
18 scheduling set in the Order;

19 WHEREAS the parties have made no prior request for extension or modification of the  
20 Order;

21 THE PARTIES, THROUGH THEIR RESPECTIVE COUNSEL OF RECORD,  
22 STIPULATE, AGREE AND MOVE THE COURT AS FOLLOWS:

23 1. That the Pretrial Preparation Order (ECF 38) be modified as follows:

24 Designation of experts shall occur on November 1, 2013

25 Any expert rebuttal is due November 13, 2013

26 Expert discovery cut-off is December 6, 2013.

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1 SO STIPULATED AND MOVED.

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Dated: August 23, 2013      /s/ Austin D. Garner  
Austin D. Garner  
Attorneys for Sheila Peterson

Dated: August 23, 2013      /s/ Robin D. Shofner  
Robin D. Shofner  
Attorneys for Janice Corn

Dated: August 23, 2013      /s/ Gregory S. Nerland  
Gregory S. Nerland  
Attorneys for Eric P. Andrewsen

Dated: August 23, 2013      /s/ Rex Grady  
Rex Grady  
Attorneys for Peter C. Foppiano dba ARC Capital



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 23, 2013 a true and accurate copy of the foregoing **JOINT STIPULATION AND MOTION TO MODIFY SCHEDULING ORDER** was filed with the Clerk of Courts using the CF/ECF System, which will send notification of such filing to the following:

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