

1 STEPHEN M. HAYES (SBN 83583)  
 2 STEPHEN P. ELLINGSON (SBN 136505)  
 3 CHERIE M. SUTHERLAND (SBN 217992)  
 HAYES SCOTT BONINO ELLINGSON & McLAY, LLP  
 4 203 Redwood Shores Pkwy., Ste. 480  
 Redwood City, California 94065  
 Telephone: 650.637.9100  
 Facsimile: 650.637.8071  
 5 Attorneys for Defendant  
 6 STATE FARM GENERAL INSURANCE COMPANY

7 J. EDWARD KERLEY (SBN 175695)  
 8 DYLAN L. SCHAFFER (SBN 153612)  
 HEREFORD KERLEY LLP  
 9 1939 Harrison Street, Suite 500  
 Oakland, California 94612  
 Telephone: 510.379.5801  
 Facsimile: 510.228-0350  
 10

11 Attorney for Plaintiffs  
 JOSE and YADIRA FLORES dba LA ROSA MARKET

12 UNITED STATES DISTRICT COURT  
 13  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 JOSE FLORES, an individual, and  
 16 YADIRA FLORES, an individual, dba  
 LA ROSA MARKET,

17 Plaintiffs,

18 v.

19 STATE FARM GENERAL INSURANCE  
 20 COMPANY, an Illinois Company, and DOES  
 1 through 15,

21 Defendants.

CASE NO. CV 13-05348 VC

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER TO REVISE THE COURT'S  
 SCHEDULING ORDER**

22  
 23 Plaintiffs and State Farm General Insurance Company ("State Farm"), by and through their  
 24 respective counsel, hereby stipulate to revise the Court's February 18, 2014 Pretrial Schedule (Dkt  
 25 18) as follows:

26 **I.  
 RECITALS**

27 1. The parties are in the process of completing fact discovery, including depositions. The  
 28 parties also have been working together to secure discovery from third parties who are significant

1 witnesses. Despite the parties' cooperation in discovery, the parties do not anticipate being able to  
2 complete depositions by the current fact discovery deadline of January 16, 2015.

3 2. The parties are engaged in active settlement discussions. The parties would like to  
4 avoid incurring additional costs related to fact and expert discovery while discussing settlement.  
5 Additionally, incurring significant additional costs, e.g. for experts, could be an impediment to  
6 settlement.

7 3. The parties have initiated the Court's discovery dispute resolution process pursuant to  
8 Paragraph 9 (Discovery) of the Court's Standing Order. The parties have submitted three joint letters  
9 to the Court addressing several discovery issues. (Dkt 33, 45 & 35.) The outcome of these discovery  
10 disputes may impact the remaining depositions and additional discovery.

11 4. The parties previously stipulated to an order continuing the fact and expert discovery  
12 deadlines. The Court entered its order on that stipulation on October 2, 2014 (Dkt 32). Significant  
13 developments since then have included the recent settlement discussions, the unavailability of key  
14 witnesses for deposition for different reasons and the discovery disputes currently pending before the  
15 Court.

16 5. For these reasons, the parties have agreed to stipulate to a proposed order extending  
17 the deadline for fact discovery, and the deadlines for expert disclosure, rebuttal disclosure and expert  
18 discovery, to enable the parties to fully explore the potential for settlement without incurring undue  
19 additional burden and expense.

20 6. The parties are mindful of the other pretrial deadlines in the current Pretrial Schedule,  
21 and do not believe that the stipulated fact and expert discovery extensions will affect their ability to  
22 comply with those deadlines.

23 7. The parties do not seek to continue any deadlines other than the deadlines for fact  
24 discovery, expert disclosure, rebuttal disclosure and expert discovery. The parties do not seek to  
25 continue the trial date or the pretrial conference date. However, the parties are agreeable to doing so  
26 if the Court prefers to continue those dates in addition to the discovery and expert discovery  
27 deadlines addressed in this stipulation.  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation, the Pretrial Schedule is revised as follows:

- 1. Discovery Cutoff February 13, 2015  
(currently January 16, 2015)
- 2. Expert Disclosure February 27, 2015  
(currently January 30, 2015)
- 3. Expert Rebuttal March 13, 2015  
(currently February 13, 2015)
- 4. Expert Discovery Cutoff March 20, 2015  
(currently February 27, 2015)

The remaining dates and deadlines set forth in the Civil Minutes dated February 18, 2014 (Dkt 18) remain unchanged.

Dated: December 12, 2014



\_\_\_\_\_  
HONORABLE VINCE CHHABRIA  
UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA