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7 Attorney for Plaintiff  
8 AMTRUST NORTH AMERICA

Further Case Management Conference is scheduled on 3/25/16, at 3 p.m. A joint case management conference statement shall be filed on 3/18/16.

9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 AMTRUST NORTH AMERICA,

Case No.: 3:14-cv-05552-SI (LB)

12 Plaintiff,

**STIPULATION TO VACATE  
DISCOVERY CUT-OFF DATES,  
MANDATORY SETTLEMENT  
CONFERENCE DATE, EXPERT  
WITNESS DISCLOSURE AND  
DISCOVERY CUT-OFF DATES,  
LAW AND MOTION CUT-OFF  
DATES, PRE-TRIAL  
CONFERENCE AND TRIAL  
DATES**

13 vs.

14 THE HOME DEPOT U.S.A., INC. and  
15 DOES 1 through 100, Inclusive,

16 Defendants.

**The Honorable Susan Illston**

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20  
21 Defendant HOME DEPOT U.S.A., INC. and Plaintiff AMTRUST NORTH  
22 AMERICA hereby stipulate as follows:

23  
24 **1. The Court has Ordered the following dates:**

25 Fact Discovery Cut-Off March 1, 2016  
26 Last day to Designate Experts March 4, 2016  
27 Last day to Serve Initial Expert Reports March 4, 2016  
28 Last day to Serve Rebuttal Expert Reports March 11, 2016

1	Expert Discovery Cut-Off	April 8, 2016
2	Dispositive Motions Shall be filed by	April 22, 2016
3	Opposition Due	May 6, 2016
4	Last day to hear dispositive motions	May 27, 2016
5	Meet and Confer Prior to Settlement Conference	March 17, 2016
6	Settlement Conference	March 29, 2016
7	Pretrial Conference	June 28, 2016
8	Trial	July 11, 2016

9

10 **2. Status of Panel QME Reports in Workers' Compensation Case**

11 The Plaintiff received and served on Defendant Dr. Herrick's Panel QME  
12 report in Neurology in the related workers' compensation case. Dr. Herrick's  
13 report contained inconsistencies regarding impairment as to the cervical and  
14 lumbar spine. While he found no lumbar spine injury, he provided an impairment  
15 rating including the lumbar spine. Plaintiff has corresponded to him for  
16 clarification as to whether the impairment he provided was for the lumbar spine  
17 alone, or for the cervical and lumbar spines combined. If combined, we have  
18 requested that he divide the impairment between the lumbar spine and the  
19 cervical spine. He has 60 days from February 23, 2016 in order to respond to our  
20 request. As a result, medical-legal discovery as to Neurology issues will not be  
21 complete and Plaintiff's damages will not be determinable until after receipt of  
22 Dr. Herrick's supplemental report.

23 The Plaintiff has not received Dr. Brian Jacks' psychiatric Panel QME  
24 report to date. As the report was untimely, Plaintiff has objected to the report as  
25 being non-compliant with the Labor Code and Regulations. Plaintiff will be  
26 requesting the issuance of a replacement Panel QME list in psychiatry if Dr.  
27 Jacks' report is not received by March 7, 2016. The replacement panel QME list  
28 should be received within thirty to forty-five days from March 7, 2016, and a

1 another psychiatric Panel QME evaluation should be set within seventy-five (75)  
2 days of receipt of the receipt of the new Panel QME list.

3 In light of the foregoing problems with the workers' compensation Panel  
4 QME process, the parties stipulate to the vacation of the above listed time limits  
5 and hearing dates, and respectfully request that the Court order the vacation of the  
6 discovery cut-off dates, mandatory settlement conference date, expert witness  
7 disclosure and discovery cut-off dates, law and motion cut-off dates, pretrial  
8 conference date and trial date and set the matter for a further Case Management  
9 Conference.

10  
11 **DATED: March 4, 2016**      **GOODMAN NEUMAN HAMILTON LLP**

12  
13 By: \_\_\_\_\_ /s/ Pavan L. Rosati  
14 PAVAN L. ROSATI  
15 Attorneys for Defendant  
16 HOME DEPOT U.S.A., INC.

17  
18 **DATED: March 4, 2016**      **FLOYD, SKEREN & KELLY, LLP**

19  
20 By: \_\_\_\_\_ /s/ Eric E. Ostling  
21 ERIC E. OSTLING  
22 Attorneys for Plaintiff  
AMTRUST NORTH AMERICA

23 I, Eric E. Ostling, hereby attest that Pavan L. Rosati has participated in the  
24 drafting of the stipulation and permits her e-signature to be affixed to this  
25 document.

26  
27 **DATED: March 4, 2016**      By: \_\_\_\_\_ /s/ Eric E. Ostling  
28 ERIC E. OSTLING

1 **PROOF OF SERVICE**

2 *AmTrust North America v The Home Depot U.S.A., Inc.*  
3 *Case No.: 3:14-cv-05552-SI (LB)*

4 STATE OF CALIFORNIA )  
5 )ss.  
6 COUNTY OF ORANGE )

7  
8 I am over the age of 18 and not a party to the within-entitled action. I am  
9 employed at Floyd, Skeren & Kelly, LLP. My business address is 2045 West  
10 Orangewood Avenue, Suite A, Orange, CA 92868.

11 On the date shown below, I caused to be served the foregoing document(s)  
12 described as **STIPULATION TO VACATE DISCOVERY CUT-OFF**  
13 **DATES, MANDATORY SETTLEMENT CONFERENCE DATE,**  
14 **EXPERT WITNESS DISCLOSURE AND DISCOVERY CUT-OFF**  
15 **DATES, LAW AND MOTION CUT-OFF DATES, PRE-TRIAL**  
16 **CONFERENCE AND TRIAL DATES** on all interested parties in said action  
17 by CM/ECF electronic service on those parties that are registered users of the  
18 Court’s electronic case filing system.  
19

20 Executed on March 4, 2016, at Orange, California.

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23 \_\_\_\_\_  
24 CATHY QUEZADA

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**SERVICE LIST**

*AmTrust North America v The Home Depot U.S.A., Inc.*  
*Case No.: 3:14-cv-05552-SI (LB)*

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