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17 **IN THE UNITED STATES DISTRICT COURT**
 18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 19 **SAN FRANCISCO DIVISION**

<p>20 FOOD & WATER WATCH, INC, et al.,</p> <p>21 Plaintiffs,</p> <p>22 v.</p> <p>23 U.S. ENVIRONMENTAL PROTECTION</p> <p>24 AGENCY, et al.,</p> <p>25 Defendants.</p>

Case No.: 17-cv-02162-EMC

STIPULATION AND ORDER TO EXTEND DEADLINES

1 Defendants the United States Environmental Protection Agency and
2 Administrator Andrew Wheeler,¹ in his official capacity, (collectively the “EPA”) and
3 Plaintiffs (collectively the “parties”) stipulate as follows:

4 WHEREAS, on June 13, 2019 the Court issued the Amended Case Management
5 and Pretrial Order for Trial (ECF No. 107) setting the following deadlines:

- 6 • EXPERT DISCOVERY CUT-OFF: 9/5/2019;
- 7 • DISPOSITIVE MOTIONS: Last day to file dispositive motions 9/19/2019;
- 8 Last day to be heard 10/24/2019.

9 WHEREAS, on June 27, 2019, pursuant to the Stipulation on Discovery Schedule
10 Order (“Discovery Schedule Order,” ECF No. 98), the parties served opening Expert
11 Designations and Disclosures. Plaintiffs disclosed five “retained” experts and two “non-
12 retained” experts. EPA disclosed two “retained” experts and one “non-retained” expert.

13 WHEREAS, on August 1, 2019, pursuant to the Discovery Schedule Order, the
14 parties served rebuttal Expert Designations and Disclosures. EPA disclosed two
15 additional “retained” experts.

16 WHEREAS, the parties conferred extensively in a good faith attempt to make each
17 of the twelve experts available for deposition prior to the existing expert discovery deadline,
18 but were unable to do so. Under the existing agreed-upon deposition schedule among the
19 parties, the last deposition is scheduled for September 18, 2019. Thus, the parties propose
20 and stipulate that the expert discovery cut-off be extended 13 days, from September 5,
21 2019 to September 18, 2019.

22 WHEREAS, consequently, the parties also propose and stipulate that the deadlines
23 for dispositive motions be extended a commensurate two weeks, from September 19,
24 2019 to October 3, 2019.

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28 ¹ Pursuant to Fed. R. Civ. P. 25(d), Andrew Wheeler is substituted for Scott Pruitt.
Andrew Wheeler assumed the position of Administrator on February 28, 2019.

1 WHEREAS, consequently, pursuant to local rule 7-2(a), the parties propose and
2 stipulate that the deadline for the last day to be heard on motions for summary judgment
3 be extended a commensurate two weeks, from October 24, 2019 to November 7, 2019.

4 WHEREAS, the parties have been working cooperatively to address certain
5 discovery disputes in good faith not to disrupt the proposed expert discovery schedule.
6 Thus, the parties stipulate that these proposed extensions should not change or alter the
7 Trial Date currently set for February 3, 2020.

8 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by
9 and among the parties:

10 1. The parties represent that they have met and conferred extensively and in
11 good faith to schedule depositions for expert witnesses within the time allotted for expert
12 discovery.

13 2. Good cause exists to extend deadlines to accommodate the expert
14 deposition schedule agreed upon by the parties.

15 3. The expert discovery cut-off date is September 18, 2019.

16 4. The last day to file dispositive motions is October 3, 2019.

17 5. The last day to be heard regarding dispositive motions is
18 November 7, 2019.

19 6. The Trial Date currently set for February 3, 2020, shall not change.

20
21 DATE: 8/16/2019

/s/ by permission
MICHAEL CONNETT
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Attorney for Plaintiffs

26 DATE: 8/16/2016

/s/ Debra J. Carfora

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* * *

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED this 16th day of August, 2019.



EDWARD M. CHEN
United States District Judge

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by Notice of Electronic Filing this 16th day of August, 2019, upon all ECF registered counsel of record using the Court’s CM/ECF system.

/s/ Debra J. Carfora
Debra J. Carfora, Trial Attorney