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 7 RITE AID CORPORATION

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 KIMBERLY BEAGLE,
 12 Plaintiff,

13 vs.

14 RITE AID CORPORATION; and DOES
 15 1 TO 100, INCLUSIVE,
 16 Defendants.

Case No.: CV08-1517-PJH

**SECOND STIPULATION AND
 [PROPOSED] ORDER TO EXTEND
 THE EXPERT DISCOVERY CUT-OFF**

18 Plaintiff Kimberly Beagle and Defendant Rite Aid Corporation, by and
 19 through their counsel of record, hereby stipulate to the following:

- 20 1. The parties agree to extend the expert discovery cut-off, presently
 21 ordered for October 16, 2009, to November 6, 2009.
- 22 2. Both sides disclosed one expert witness each, both psychologists,
 23 on August 12, 2009. The parties also exchanged those psychologists' reports
 24 with their disclosures.
- 25 3. The parties will attend the court-ordered mandatory settlement
 26 conference with Judge Maria-Elena James on October 5, 2009.
- 27 4. Trial in this case is set for January 25, 2010.

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1 5. Good cause supports the extension of the expert discovery cut-off to
2 November 6, 2009. The parties previously stipulated to extending the expert
3 discovery cut-off to October 16, 2009, a date after the hearing on the motion
4 for summary judgment. At that time, the parties did not anticipate that the
5 court would order a mandatory settlement conference. At the September 16,
6 2009 hearing on Rite Aid's summary judgment motion, the Court ordered the
7 parties to attend a mandatory settlement conference. Last Thursday,
8 September 24, 2009, the Court set a conference date of October 5, 2009. The
9 experts were to be deposed on September 30 and October 1, 2009. However,
10 the parties have stipulated to taking the depositions after the October 5, 2009
11 settlement conference to avoid further expense before the conference. Granting
12 this request will permit the parties to avoid incurring expenses which could
13 become unnecessary should the parties settle on October 5, 2009.
14 Furthermore, due to other business commitments, Plaintiff's expert cannot
15 guarantee her attendance at any deposition until November 5, 2009, though
16 the parties have tentatively scheduled her deposition sooner than that.
17 Moreover, Rite Aid's expert's first availability after September 30, 2009 was
18 October 28, 2009. Extending the cut-off to November 6, 2009 still gives the
19 parties more than 2 and ½ months to prepare for trial.

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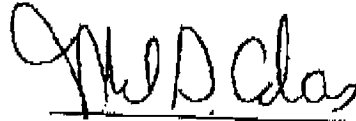
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IT IS SO STIPULATED.

DATED: October 1, 2009

MAYALL, HURLEY, KNUITSEN,
SMITH & GREEN



MARK S. ADAMS
KIMBERLY WILLY
Attorneys for Plaintiff
KIMBERLY BEAGLE

DATED: October 1, 2009

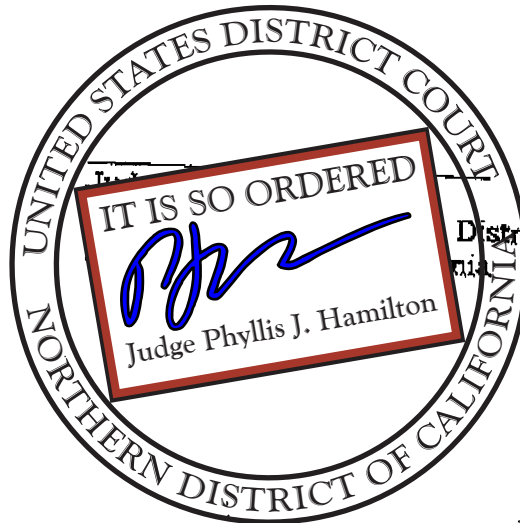
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JONATHAN ALLAN KLEIN
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Attorneys for Defendant
RITE AID CORPORATION

IT IS SO ORDERED that the expert discovery cut-off of October 16, 2009 is hereby extended to November 6, 2009.

DATED: 10/15/09



District Court,