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 FLUOR CONSTRUCTORS INTERNATIONAL, INC.
 7 and GENE ARCENEUX

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 LINDA TERRELL
 12 Plaintiff,
 13 v.
 14 HARDER MECHANICAL CONTRACTORS
 INC, a corporation, FLOUR
 15 CONSTRUCTION, an corporation, and GENE
 ARCENEUX, an individual,
 16 Defendants.
 17

Case No. CV 10-1080 CW (DMR)

**STIPULATED REQUEST AND ORDER
 MODIFYING THE CASE SCHEDULE**

Complaint Filed: March 12, 2010
 Trial Date: July 11, 2011
 Judge: Hon. Claudia Wilken
 (Ctrm. 2, 4th Floor, Oakland)

19 WHEREAS, pursuant to the Court’s Minute Order and Case Management Order
 20 dated June 22, 2010, the Court set January 14, 2011 as the last day to identify experts and
 21 exchange expert reports and set January 28, 2011 as the last day to identify rebuttal
 22 experts and exchange rebuttal expert reports; and

23 WHEREAS, on December 1, 2010, the parties to the action filed by Plaintiff Linda
 24 Terrell (“Plaintiff”) submitted a Stipulated Request (Dkt. 45) to the Court to extend the
 25 last day to identify experts and exchange expert reports to February 4, 2011 and to extend
 26 the last day to identify rebuttal experts and exchange rebuttal expert reports to February
 27 18, 2011; and

28 WHEREAS, the Court approved the parties’ Stipulated Request by an Order (Dkt.

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 Stipulated

1 47) issued on December 6, 2010; and

2 WHEREAS, the parties continue to engage in discovery, including expert
3 discovery; and

4 WHEREAS, Plaintiff and Defendants Fluor Constructors International, Inc.
5 (“FCII”) and Gene Arceneaux (collectively, “Defendants”) have several outstanding
6 discovery disputes, including disputes concerning expert discovery, that are the subject of
7 a joint letter brief (Dkt. 57) submitted to Magistrate Judge Donna M. Ryu on January 5,
8 2011 and scheduled for telephonic hearing on January 19, 2011; and

9 WHEREAS, there is currently no timeline for the resolution of the discovery
10 issues presently before Magistrate Judge Ryu and the Court may request additional
11 briefing on the discovery issues; and

12 WHEREAS, counsel for Defendants FCII and Arceneaux filed an *ex parte*
13 application to continue the last date for identifying experts and exchanging expert reports
14 so that the discovery disputes presently before Magistrate Judge Ryu could be resolved
15 prior to the deadline for exchanging expert reports; and

16 WHEREAS, Plaintiff responded to FCII’s and Arceneaux’s *ex parte* application
17 and stated that Plaintiff’s position is that all pertinent deadlines, such as the deadlines for
18 expert disclosures, the completion of expert and fact discovery, and the trial date, should
19 be continued for at least 45 days; and

20 WHEREAS, the Court denied FCII’s and Arceneaux’s *ex parte* application
21 without prejudice to filing a stipulation and noted that the trial date may be continued
22 only to a date that the Court has available for trials; and

23 WHEREAS, after reviewing the Court’s availability for alternate trial dates, and
24 accounting for dates on which counsel for the parties have previously scheduled trials, all
25 parties agreed upon a schedule that continues all deadlines in this action, including the
26 dates for the disclosure of expert reports and identification of experts, the completion of
27 expert and fact discovery, the last day for dispositive motions to be heard, the date for the

1 final pre-trial conference, and the date for trial as follows:

2 NOW, THEREFORE, Plaintiff Linda Terrell and defendants Harder Mechanical
3 Contractors, Inc., Fluor Constructors International, Inc., and Gene Arceneaux, through
4 their respective counsel and pursuant to Local Rule 6-2, agree to the following schedule:

- 5 1. Disclosure of identities and reports of expert witnesses: April 15, 2011;
- 6 2. Disclosure of rebuttal experts: April 29, 2011;
- 7 3. Last day for dispositive motions to be heard and date for further case
8 management conference whether or not dispositive motions are filed (or on
9 whatever date dispositive motions are set): June 2, 2011;
- 10 4. Completion of fact discovery: June 2, 2011;
- 11 5. Completion of expert discovery: August 24, 2011;
- 12 6. Final Pre-Trial Conference: September 27, 2011;
- 13 7. Commencement of trial: October 11, 2011.

14 IT IS SO STIPULATED ON THE DATES INDICATED BELOW.

15 DATED: January 19, 2011

MURRAY & ASSOCIATES

16
17
18 By: _____
19 Lawrence D. Murray
20 John F. Henning III
Attorneys for Plaintiff Linda Terrell

21 DATED: January 19, 2011

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.

22
23
24 By: _____
25 Lori A. Bowman
26 Leslie E. Wallis
27 Attorneys for Defendants FLUOR
CONSTRUCTORS
INTERNATIONAL, INC. and GENE
ARCENEUX

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DATED: January 19, 2011

KAUFMAN DOLOWICH VOLUCK &
GONZO LLP

By: _____
Elizabeth Williams
Pamela Woodside
Attorneys for Defendant HARDER
MECHANICAL CONTRACTORS, INC.

ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED, **except that trial
will begin on October 3, 2011.**

Dated: 1/24/2011



Judge Claudia A. Wilken