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Attorneys for Defendants,  
**WACKENHUT SERVICES, INCORPORATED**  
and **THE WACKENHUT CORPORATION**



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JEREMY JAMES EHART, KRISTY EHART )  
and STEVEN RYAN McCLANAHAN, )  
 )  
 ) Plaintiffs, )  
 )  
vs. )  
 )  
GHILLIE SUITS.COM, INC., TODD )  
MUIRHEAD; NEW YORK FIRE-SHIELD )  
INCORPORATED; WACKENHUT )  
SERVICES, INCORPORATED; THE )  
WACKENHUT CORPORATION and )  
DOES 1-50, inclusive, )  
 )  
Defendants. )  
 )  
AND RELATED CROSS-ACTION(s). )  
 )

Case No.: C 06 06507 (JW)

**STIPULATION AND [PROPOSED]**  
**ORDER AMENDING SCHEDULING**  
**ORDER TO EXTEND DEADLINE TO**  
**DISCLOSE EXPERT WITNESSES AND**  
**COMPLETE DISCOVERY**

COME NOW, (1) Plaintiffs JEREMY JAMES EHART, KRISTY EHART, and  
STEVEN RYAN McCLANAHAN; (2) Defendant GHILLIE SUITS.COM, INC.; (3) Defendant  
TODD MUIRHEAD; (4) Defendant NEW YORK FIRE-SHIELD INCORPORATED; (5) Defendant  
WACKENHUT SERVICES, INCORPORATED; and (6) Defendant THE WACKENHUT  
CORPORATION; and file this Stipulation requesting the Court to enter an Agreed Amended  
Scheduling Order in this case and as grounds therefore, would show the Court as follows:

1. The current deadline to disclose expert witnesses and serve resumes and reports is  
April 13, 2009.

1           2.     The parties submit this Joint Stipulation with the limited purpose of extending the  
2 deadline to disclose expert witnesses and serve resumes and report to June 1, 2009, and extending the  
3 discovery cutoff date to July 31, 2009..

4           3.     **This limited Amendment of the Court Scheduling Order will have no effect on any**  
5 **other deadline, trial or require any alteration of the existing scheduling order including hearing**  
6 **date and trial scheduling.**

7           4.     This case involves numerous witnesses affiliated with the United States Marine Corps,  
8 Department of Energy, as well as private contractors in this action. The parties have cooperated in  
9 diligently moving forward with twenty-four (24) depositions in five states and are scheduling the final  
10 rounds of depositions of both parties and witnesses to be completed within the next thirty to forty-five  
11 (30-45) days and again will involve depositions in at least four states.

12          5.     The availability of witnesses from the United States Marine Corps and Department of  
13 Energy has been limited by the deployment overseas and consistent and active participate in ongoing  
14 training exercises throughout the course of this litigation.

15          6.     Completion of this final phase of depositions will be critical in all parties' ability to  
16 assess the global state of evidence, testimony and documents on multiple issues each of which will  
17 require extensive expert review analysis, testing and opinion.

18          7.     Additionally, the expert analysis testing and conclusions will involve testing remaining  
19 Ghillie Suits, and flame retardant that were actually used in exercise Pacific Patriot, and which, as of  
20 the date of this Stipulation, remain in the exclusive possession, custody and control of Department of  
21 Energy. All parties are working diligently with the Department of Energy to secure access to these  
22 remaining Ghillie Suits and flame retardant and once possession is secured, will then require additional  
23 time to establish testing protocol.

24          8.     This Stipulation is entered into pursuant to FRCP Rule 16 which provides that a  
25 Scheduling Order may be amended for good cause and with the Court's permission. Good cause has  
26 been shown. Further, the amendment of the Scheduling Order is not sought for the purpose of delay  
27 (and will result in no delay), but so that justice may be served. All parties unanimously agree that a  
28 reasonable extension of forty-nine (49) days of the deadline to disclose expert witnesses and serve

1 resumes and reports, and forty-six (46) days of the deadline to complete discovery. It is necessary for  
2 all parties to complete discovery, retain their experts, complete expert investigation, discovery and  
3 testing in order to be ready for trial.

4 Based on the foregoing, all parties jointly move the Court to extend the current April 13, 2009  
5 deadline to disclose expert witnesses and serve resumes and reports, to June 1, 2009, and deadline to  
6 complete discovery from June 15, 2009 to Friday, July 31, 2009.

7 Dated: March 11, 2009

**MANNING & MARDER  
KASS, ELLROD, RAMIREZ LLP**

8  
9 By: \_\_\_\_\_  
Michael L. Smith

10  
11 Attorneys for Defendants,  
12 WACKENHUT SERVICES,  
INCORPORATED and THE WACKENHUT  
CORPORATION

13 Dated: \_\_\_\_\_, 2009

**ARCHER NORRIS**

14  
15 By: \_\_\_\_\_  
Sharon C. Collier

16  
17 Attorneys for Defendant, NEW YORK FIRE-  
SHIELD INCORPORATED

18 Dated: \_\_\_\_\_, 2009

**TINSMAN & SCIANO, INC.**

19  
20 By: \_\_\_\_\_  
Daniel J.T. Sciano

21  
22 Attorneys for Plaintiffs,  
JEREMY JAMES EHART, KRISTY EHART  
and STEVEN RYAN McCLANAHAN

23  
24 Dated: \_\_\_\_\_, 2009

**SELMAN BREITMAN LLP**

25  
26 By: \_\_\_\_\_  
Paul E. Stephen  
Danielle K. Lewis

27  
28 Attorneys for Defendant,  
GHILLIE SUITS.COM, INC. and  
TODD MUIRHEAD

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7 Dated: \_\_\_\_\_, 2009

**MANNING & MARDER  
KASS, ELLROD, RAMIREZ LLP**

8  
9 By: \_\_\_\_\_  
Michael L. Smith

10 Attorneys for Defendants,  
11 WACKENHUT SERVICES,  
12 INCORPORATED and THE WACKENHUT  
CORPORATION

13 Dated: March 6, 2009

**ARCHER NORRIS**

14  
15 By: Sharon C. Collier  
Sharon C. Collier

16 Attorneys for Defendant, NEW YORK FIRE-  
17 SHIELD INCORPORATED

18 Dated: \_\_\_\_\_, 2009

**TINSMAN & SCIANO, INC.**

19  
20 By: \_\_\_\_\_  
Daniel J.T. Sciano

21 Attorneys for Plaintiffs,  
22 JEREMY JAMES EHART, KRISTY EHART  
and STEVEN RYAN McCLANAHAN

23  
24 Dated: \_\_\_\_\_, 2009

**SELMAN BREITMAN LLP**

25 By: \_\_\_\_\_  
Paul E. Stephen  
Danielle K. Lewis

26  
27 Attorneys for Defendant,  
GHILLIE SUITS.COM, INC. and  
28 TODD MUIRHEAD

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7 Dated: \_\_\_\_\_, 2009

**MANNING & MARDER  
KASS, ELLROD, RAMIREZ LLP**

8  
9 By: \_\_\_\_\_  
Michael L. Smith

10 Attorneys for Defendants,  
11 WACKENHUT SERVICES,  
12 INCORPORATED and THE WACKENHUT  
CORPORATION

13 Dated: \_\_\_\_\_, 2009

**ARCHER NORRIS**

14  
15 By: \_\_\_\_\_  
Sharon C. Collier

16 Attorneys for Defendant, NEW YORK FIRE-  
17 SHIELD INCORPORATED

18 Dated: 3/4/09, 2009

**TINSMAN & SCIANO, INC.**

19  
20 By: \_\_\_\_\_  
Daniel J. T. Sciano

21 Attorneys for Plaintiffs,  
22 JEREMY JAMES EHART, KRISTY EHART  
23 and STEVEN RYAN McCLANAHAN

24 Dated: \_\_\_\_\_, 2009

**SELMAN BREITMAN LLP**

25 By: \_\_\_\_\_  
26 Paul E. Stephen  
Danielle K. Lewis

27 Attorneys for Defendant,  
28 GHILLIE SUITS.COM, INC. and  
TODD MUIRHEAD

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Dated: March 3, 2008<sup>9</sup>

SELMAN BREITMAN LLP

By:   
Paul F. Stephen  
Danielle K. Lewis

Attorneys for Defendant,  
GHILLIE SUITS.COM, INC. and  
TODD MUIRHEAD

*James Ware*  
[PROPOSED] ORDER

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FOR GOOD CAUSE SHOWN, the Court grants the parties' request for modification of the September 24, 2008 Scheduling Order as Followings:

Deadline to Disclose Expert Witnesses and serve resumes and reports	June 1, 2009
Deadline to Complete Discovery	July 31, 2009

IT IS SO ORDERED

Dated: March 19, 2009

*James Ware*  
\_\_\_\_\_  
THE HONORABLE JAMES WARE