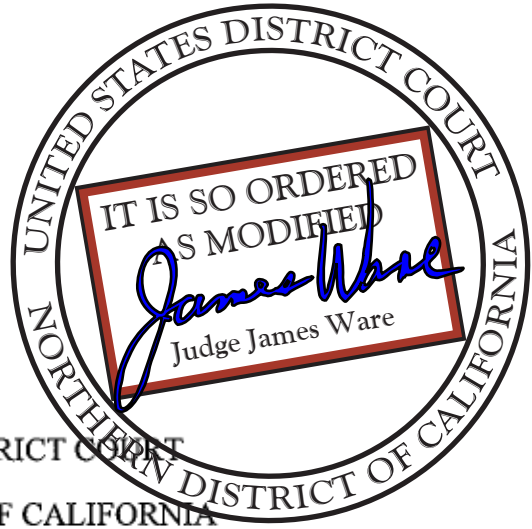


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 and THE WACKENHUT CORPORATION



8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 JEREMY JAMES EHART, KRISTY EHART)
 and STEVEN RYAN McCLANAHAN,)

12 Plaintiffs,)

13 vs.)

14 GHILLIE SUITS.COM, INC., TODD)
 15 MUIRHEAD; NEW YORK FIRE-SHIELD)
 16 INCORPORATED; WACKENHUT)
 SERVICES, INCORPORATED; THE)
 17 WACKENHUT CORPORATION and)
 DOES 1-50, inclusive,)

18 Defendants.)

19 AND RELATED CROSS-ACTION(s).)
 20

Case No.: C 06 06507 (JW)

James Ware
STIPULATION AND [PROPOSED]
ORDER MODIFYING SCHEDULING
ORDER

21 COME NOW, (1) Plaintiffs JEREMY JAMES EHART, KRISTY EHART, and
 22 STEVEN RYAN McCLANAHAN; (2) Defendant GHILLIE SUITS.COM, INC.; (3) Defendant
 23 TODD MUIRHEAD; (4) Defendant NEW YORK FIRE-SHIELD INCORPORATED; (5) Defendant
 24 WACKENHUT SERVICES, INCORPORATED; and (6) Defendant THE WACKENHUT
 25 CORPORATION; and file this Stipulation requesting the Court to modify the May 6, 2009 Scheduling
 26 Order in this case and as grounds therefore, would show the Court as follows:

- 27 1. The current deadline for close of all discovery is October 26, 2009.

28 ///

1 2. The parties submit this Joint Stipulation with the limited purpose of extending the
2 deadline for close of all discovery to December 10, 2009 which will result in the disclosure of expert
3 witness dates being moved to sixty-three (63) days before December 10, 2009 pursuant to Federal Rules
4 of Civil Procedure section 26(a)(2)(B)

5 3. The parties request no modification of the existing Trial Setting Conference date and will
6 be fully prepared to participate at the Trial Setting Conference as set.

7 4. The parties request no modification of the dispositive motion hearing date.

8 5. This single amendment will have no effect on when this case is set for trial.

9 6. This single amendment will have no effect on the Court's administration, handling and
10 management of this case or effect the date of its ultimate disposition.

11 7. The sole effect of this amendment will be to afford the parties additional time within the
12 current confines of the existing trial setting, dispositive motion hearing date and anticipated trial date
13 within which to coordinate and complete remaining discovery, produce and circulate expert reports and
14 mediate with JAMS.

15 8. The insurance carriers for two of the defendants have filed and are prosecuting
16 Declaratory Relief actions. The parties have been actively monitoring the Declaratory Relief actions,
17 whose outcome might have a significant bearing on a successful Mediation and settlement. The Court
18 of Appeals issued a recent ruling in June 2009 in the Declaratory Relief action filed by insurance carrier
19 for New York Fire Shield which clarified certain issues for that party which will pbetter prepare the
20 parties for mediation.

21 9. The parties are currently cooperating in certain forensic testing and are cooperating in
22 scheduling a Mediation to be attended by all decision makers at both the client and carrier level.

23 10. This final request for a revision of the deadline for the close of discovery which will
24 effect the disclosure of the expert witness deadline will provide a final framework within which all
25 parties may intelligently schedule all remaining party, witness and expert discovery with a goal of
26 resolving the case.

27 11. This Stipulation is entered into pursuant to FRCP Rule 16 which provides that a
28 Scheduling Order may be amended for good cause and with the Court's permission. Good cause has

1 been shown. Further, the amendment of the Scheduling Order is not sought for the purpose of delay
2 (and will result in no delay), but so that justice may be served. All parties unanimously agree that a
3 reasonable extension of forty-five (45) days of the deadline for close of all discovery is necessary to
4 allow all parties to complete discovery, retain their experts, complete expert investigation, discovery
5 and testing in order to be ready for mediation and trial.

6 Based on the foregoing, all parties jointly move the Court to extend the current October 26, 2009
7 deadline for close of all discovery to December 10, 2009.

8
9 Dated: August 3, 2009

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

10
11
12 By: _____
Michael L. Smith

13 Attorneys for Defendants,
14 WACKENHUT SERVICES,
15 INCORPORATED and THE WACKENHUT
16 CORPORATION

17 Dated: _____, 2009

ROPERS, MAJESKI, KOHN & BENTLY

18
19 By: _____
Dennis Ward

20 Attorneys for Defendant, NEW YORK FIRE-
21 SHIELD INCORPORATED

22
23 Dated: August 3, 2009

TINSMAN & SCIANO, INC.

24
25 By: /s/ Daniel J.T. Sciano _____
Daniel J.T. Sciano

26 Attorneys for Plaintiffs,
27 JEREMY JAMES EHART, KRISTY EHART
and STEVEN RYAN McCLANAHAN

28 ///

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9 Dated: _____, 2009


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

11 By: _____
12 Michael L. Smith

13 Attorneys for Defendants,
14 WACKENHUT SERVICES,
15 INCORPORATED and THE WACKENHUT
16 CORPORATION

17 Dated: July 31, 2009

ROPERS, MAJESKI, KOHN & BENTLY

18 
19 By: _____
20 Dennis Ward

21 Attorneys for Defendant, NEW YORK FIRE-
22 SHIELD INCORPORATED

23 Dated: _____, 2009

TINSMAN & SCIANO, INC.

24 By: _____
25 Daniel J.T. Sciano

26 Attorneys for Plaintiffs,
27 JEREMY JAMES EHART, KRISTY EHART
28 and STEVEN RYAN McCLANAHAN

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Dated: August 3, 2009

SELMAN BREITMAN LLP

By: /s/ Paul E. Stephan
Paul E. Stephan
Danielle K. Lewis

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


~~PROPOSED~~ ORDER

FOR GOOD CAUSE SHOWN, the Court grants the parties' request for modification of the May 6, 2009 Scheduling Order as Follows:

Close of All Discovery	December 10, 2009
Disclosure of Expert Witnesses	FRCP 26(a)(2)(B)

All other deadlines shall remain unchanged except that the Court, *sua sponte*, continues the Preliminary Pretrial Conference currently set for September 21, 2009 to **November 16, 2009 at 11 a.m.** The Court will not entertain further requests to modify the Case Schedule, including the last date for *hearing* on dispositive motions which is currently set for **December 14, 2009 at 9 a.m.**

Dated: August 11, 2009



JAMES WARE
United States District Judge