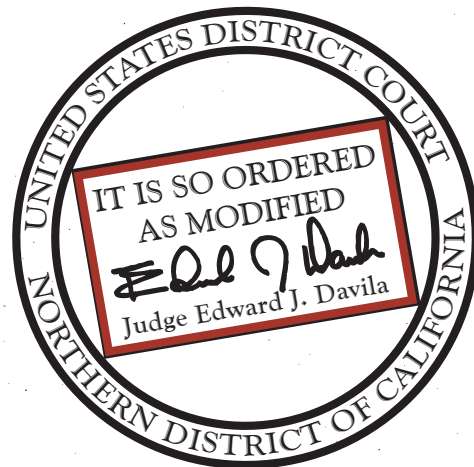


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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 WILLIAM LUKOV

11 Plaintiff,

12 v.

13 SCHINDLER ELEVATOR CORPORATION,

14 Defendant.

Case No. CV 11-00201 EJD

**STIPULATION AND ~~PROPOSED~~
 ORDER TO MODIFY THE
 SCHEDULING ORDER**

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 17
 18 The parties to the captioned action hereby jointly submit this Stipulation and
 19 [Proposed] Order to Modify The Scheduling Order.

20 WHEREAS, the parties have recently adjudicated through law and motion a significant
 21 discovery dispute in which the Court granted, in part, Plaintiff's motion to compel further
 22 discovery responses.

23 WHEREAS, the significant efforts in meeting and conferring, preparing for, briefing,
 24 holding a hearing and securing a ruling on this matter took approximately five months to
 25 resolve.

26 WHEREAS, the parties' discovery was delayed during the pendency of this dispute.

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1 WHEREAS, the parties jointly request additional time with which to complete
2 discovery and to engage in negotiations to attempt to reach a resolution of this matter prior to
3 the expenditure of significant time and attorneys' fees in preparing dispositive motions;

4 WHEREAS, the parties intend to complete the initial phase of discovery this month and
5 submit this matter to an ENE facilitator who has recently been assigned through this Court's
6 ADR division in December pending the ENE facilitator's availability.

7 WHEREAS, the aforementioned circumstances have caused the parties to need four
8 additional months to complete discovery.

9 WHEREAS, the discovery deadline is currently set for February 17, 2012;

10 WHEREAS, the dispositive motion hearing deadline is currently set for April 20, 2012;

11 WHEREAS, the expert and rebuttal expert disclosure deadlines are currently set for 63
12 and 49 days prior to the close of discovery;

13 WHEREAS, the Preliminary Pretrial Conference is currently set for January 20, 2012;

14 WHEREAS, no trial date has been set.

15 Accordingly, the parties hereby stipulate to the following, and request that this Court
16 issue an Order providing for the following scheduling modifications:

17 A discovery deadline of May 18, 2012;

18 A dispositive motion hearing deadline of July 20, 2012;

19 Expert and rebuttal expert disclosure deadlines set for 63 and 49 days prior to May 18,
20 2012;

21 A Preliminary Pretrial Conference on April 19, 2012.

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~~PROPOSED~~ ORDER

Good Cause Appearing, and based on the stipulation of the parties, the Scheduling Order shall be modified as follows:

The discovery deadline shall be May 18, 2012;

The dispositive motion hearing deadline shall be July 20, 2012;

The Expert and rebuttal expert disclosure deadlines shall be 63 and 49 days prior to May 18, 2012;

The court schedules a Case Management Conference for **January 20, 2012, at 10:00 a.m.**

The parties shall file a Joint Case Management Statement on or before January 13, 2012.

The court also schedules a Preliminary Pretrial Conference for **April 27, 2012, at 11:00 a.m.**

The parties shall file a Joint Preliminary Pretrial Conference Statement on or before April 17, 2012.

IT IS SO ORDERED.

DATED: November 18, 2011


DISTRICT COURT JUDGE