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6 Attorneys for Plaintiff  
 Belinda Solis

7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

|    |                                       |   |   |
|----|---------------------------------------|---|---|
| 11 | BELINDA SOLIS, an individual          | ) | Case No. CV11-00605 EJD   |
| 12 | Plaintiff,                            | ) | <b>JOINT STIPULATION AND<br/> <del>PROPOSED</del> ORDER FOR<br/>         LEAVE TO TAKE THE<br/>         DEPOSITION OF RONDA<br/>         DiMARZO, FOR PLAINTIFF'S<br/>         RETAINED EXPERT TO FILE A<br/>         SUPPLEMENTAL RULE 26<br/>         REPORT, TO TAKE THE<br/>         DEPOSITION OF CRAIG ENOS,<br/>         CPA, TO TAKE THE<br/>         DEPOSITION OF DR. AARON<br/>         BUTCHER, P.A., TO TAKE THE<br/>         DEPOSITION OF DR. DANIEL<br/>         OFFRET, P.A.</b> |
| 13 | vs.                                   | ) |   |
| 14 | WALGREEN CO., an Illinois corporation | ) |   |
| 15 | Defendant.                            | ) |   |
| 16 |                                       | ) |   |
| 17 |                                       | ) |   |
| 18 |                                       | ) |   |
| 19 |                                       | ) |   |
| 20 |                                       | ) |   |
| 21 |                                       | ) |   |

Complaint Filed: February 9, 2011  
 Fact Discovery Cutoff: July 27, 2012  
 Trial Date: None Set

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 23  
 24 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF**  
 25 **RECORD:**

26 **IT IS STIPULATED AND AGREED** by Plaintiff Belinda Solis (“Ms.  
 27 Solis”) and Defendant Walgreen Co., (“Walgreens”) (collectively referred to as the  
 28 “Parties”), by and through their respective attorneys of record, as follows:

1 WHEREAS, this matter originally was filed by Ms. Solis in the United  
2 States District Court for the Northern District of California on February 9, 2011.

3 WHEREAS, in the Court's Case Management Order of November 29, 2011,  
4 this Court set a Fact Discovery Cutoff of July 27, 2012.

5 WHEREAS, in the Court's Case Management Order of November 29, 2011,  
6 this Court set a Designation of Opening Experts with Reports on August 3, 2012.

7 WHEREAS, in the Court's Case Management Order of November 29, 2011,  
8 this Court set a Designation of Rebuttal Experts with Reports on September 7,  
9 2012.

10 WHEREAS, in the Court's Case Management Order of November 29, 2011,  
11 this Court set an Expert Discovery Cutoff of September 10, 2012, the next  
12 business day after rebuttal reports are due.

13 WHEREAS, this case is set for a Preliminary Pretrial Conference on  
14 October 15, 2012.

15 WHEREAS, this case has not been assigned a trial date.

16 WHEREAS, Walgreens has recently learned and supplemented its responses  
17 to Requests for Admissions to disclose to Plaintiff that Walgreen employee Ronda  
18 DiMarzo was rehired on June 3, 2010 after she returned from a medical leave.  
19 Walgreen had previously disclosed only that Ronda DiMarzo was rehired.

20 WHEREAS, based on this newly discovered information, Ms. Solis did not  
21 have sufficient time to take Ms. DiMarzo's deposition prior to the Fact Discovery  
22 Cutoff. Had Ms. Solis known the information regarding Ms. DiMarzo's being  
23 rehired following a medical leave sooner, Ms. Solis would have noticed Ms.  
24 DiMarzo's deposition.

25 WHEREAS, Ms. Solis recently began new employment with Smith's Food  
26 and Drug on or around August 23, 2012. Ms. Solis' retained expert regarding her  
27 economic loss and wage loss damages, Craig Enos ("Enos"), CPA, prepared a  
28 Rule 26 report, which was timely served as part of Ms. Solis' Expert Witness

1 Disclosures. Mr. Enos' Rule 26 report did not take into consideration Ms. Solis'  
2 new employment, as she did not have the position when he drafted his report. Mr.  
3 Enos needs to supplement his initial Rule 26 report to address the incorrect and  
4 incomplete information regarding Ms. Solis' future economic and wage losses and  
5 account for her new position at Smith's.

6 WHEREAS, it would be a waste of time and costs for Mr. Enos to be  
7 deposed prior to him preparing a supplemental Rule 26 report to correct the  
8 incorrect and incomplete information already known to be contained in his  
9 original Rule 26 report.

10 WHEREAS, Ms. Solis' current treating doctors - Dr. Aaron Butcher, P.A.  
11 and Dr. Daniel Offret, P.A. are located in Salt Lake City, UT. Despite diligent  
12 efforts, due to unavoidable scheduling conflicts, the parties have been unable to  
13 schedule their depositions prior to the Court's Expert Discovery Cutoff deadline.

14 **NOW THEREFORE, IT IS HEREBY STIPULATED** by and between  
15 the Parties, by and through their attorneys of record, that:

16 1. Ms. Solis shall be permitted to take Ronda DiMarzo's deposition  
17 pursuant to Federal Rules of Civil Procedure, Rule 30. Ms. DiMarzo's deposition  
18 shall be completed on or before October 19, 2012.

19 2. Mr. Enos shall be permitted to file a Supplemental Rule 26 report.  
20 Mr. Enos' report will be served on Walgreens on or before November 1, 2012.

21 3. Walgreens will be permitted to take the deposition of Craig Enos on  
22 or before November 30, 2012.

23 4. Without prejudice to Walgreens' right to designate any rebuttal  
24 experts in response to Plaintiff's Rule 26 expert disclosure by the original due date  
25 of September 7, 2012, Walgreens will also be permitted to designate a rebuttal  
26 expert with a Rule 26 report only as to those issues and opinion raised by Mr.  
27 Enos' original and supplemental reports on or before November 30, 2012.

28 5. Walgreens shall be permitted to take the deposition of Dr. Aaron

1 Butcher, P.A. Dr. Butcher's deposition shall be completed on or before October  
2 19, 2012.

3 6. Walgreens shall be permitted to take the deposition of Dr. Daniel  
4 Offret, P.A. Dr. Offret's deposition shall be completed on or before October 19,  
5 2012.

6 7. The dates previously set by the Court are only continued to complete  
7 the discovery requested in this Stipulation and for no other purpose.

8 Based on the foregoing, the Parties respectfully request this Court enter an  
9 Order consistent with this Stipulation.

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11  
12 Dated: August 31, 2012

BONONI LAW GROUP, LLP

13  
14 By: 

15 Michael J. Bononi  
16 Christy W. Granieri  
17 Attorneys for Plaintiff  
18 Belinda Solis

19  
20 Dated: August 31, 2012

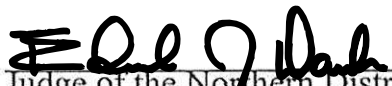
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COLEMAN GRODIN

21 By: 

22 Scott M. Plamondon  
23 Shauna Correia  
24 Attorneys for Defendant Walgreen  
25 Co.

26  
27 IT IS SO ORDERED

28 Date: September 14, 2012

  
Judge of the Northern District of  
California