

1 BONONI LAW GROUP, LLP
 2 Michael J. Bononi (State Bar No. 130663)
 3 Christy W. Granieri (State Bar No. 266392)
 4 915 Wilshire Boulevard, Suite 1950
 5 Los Angeles, California 90017
 Telephone: (213) 553-9200
 Facsimile: (213) 553-9215
 mbononi@bononilawgroup.com
 cgranieri@bononilawgroup.com

6 Attorneys for Plaintiff
 7 Belinda Solis

8 WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN
 9 Scott M. Plamondon (State Bar No. 212294)
 Shauna N. Correia (State Bar No. 232410)
 10 400 Capitol Mall, 11th Floor
 Sacramento, California 95814
 Telephone: (916) 558-6000
 Facsimile: (916) 446-1611
 splamondon@weintraub.com
 scorreia@weintraub.com

11 Attorneys for Defendant
 12 Walgreen, Co.

13 UNITED STATES DISTRICT COURT
 14
 15 NORTHERN DISTRICT OF CALIFORNIA

16
 17 BELINDA SOLIS, an individual
 18 Plaintiff,

19 vs.

20 WALGREEN CO., an Illinois
 21 corporation
 22 Defendant.

Case No. 5:11-CV-00605-EJD

**JOINT STIPULATION AND
 [PROPOSED] ORDER TO TAKE
 THE DEPOSITION OF
 PLAINTIFF'S NON-RETAINED
 EXPERT, DR. NEVILLE
 UDWADIA, AND CONTINUING
 DATES FOR PLAINTIFF'S
 RETAINED EXPERT TO FILE
 SUPPLEMENTAL RULE 26
 REPORT, AND DEPOSITION OF
 CRAIG ENOS**

Complaint Filed: February 7, 2011
 Trial Date: August 6, 2013

1 **TO THE HONORABLE COURT AND TO ALL COUNSEL OF RECORD:**

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

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

7 WHEREAS, in the Court’s Case Management Order of November 29, 2011, this
8 Court set a Fact Discovery Cutoff of July 27, 2012.

9 WHEREAS, in the Court’s Case Management Order of November 29, 2011,
10 this Court set a Designation of Opening Experts with Reports on August 13, 2012.

11 WHEREAS, in the Court’s Case Management Order of November 29, 2011,
12 this Court set a Designation of Rebuttal Experts with Reports on September 7,
13 2012.

14 WHEREAS, in the Court’s Case Management Order of November 29, 2011,
15 this Court set an Expert Discovery Cutoff of September 10, 2012.

16 WHEREAS, the parties previously stipulated, and the Court ordered, that Ms.
17 Solis’ retained expert Craig Enos, CPA, would have until November 1, 2012 to file a
18 supplemental Rule 26 report to correct incomplete and erroneous information in his
19 original report, and Walgreens would have until November 30, 2012 to take Mr.
20 Enos’ deposition and to file and serve any rebuttal to Mr. Enos’ report.

21 WHEREAS, on November 1, 2012, Ms. Solis served Craig Enos’
22 supplemental Rule 26 report.

23 WHEREAS, at the Preliminary Pretrial Conference held on November 9,
24 2012, this case was assigned a trial date of August 6, 2013.

25 WHEREAS, Ms. Solis timely disclosed Dr. Neville Udwardia as a non-
26 retained expert witness on August 13, 2012.

27 WHEREAS, Walgreens diligently attempted to take Dr. Udwardia’s deposition
28 prior to the Expert Witness Discovery Cutoff and subpoenaed Dr. Udwardia for

1 deposition on September 10, 2012, a date that Dr. Udwardia originally stated he was
2 available.

3 WHEREAS, Dr. Udwardia originally requested an hourly fee of \$500 per hour
4 of deposition testimony, which Walgreens agreed to pay.

5 WHEREAS, after the deposition subpoena was served, Ms. Solis' counsel and
6 Dr. Udwardia's counsel notified Walgreens' counsel that they each were unavailable
7 on the date set for Dr. Udwardia's deposition; therefore, Walgreens was forced to
8 cancel Dr. Udwardia's deposition.

9 WHEREAS, Dr. Udwardia stated he would be available on September 12,
10 2012, but Ms. Solis refused to stipulate to Walgreens's taking of Dr. Udwardia's
11 deposition after the Expert Discovery Cutoff without a Court order and refused to
12 stipulate to modify the Court's scheduling order.

13 WHEREAS, Dr. Udwardia's attorney then demanded that if Walgreens
14 rescheduled the deposition, Walgreens must pay Dr. Udwardia for the cancelled
15 deposition at the rate of \$750 per hour and must pay \$750 per hour of actual
16 deposition testimony.

17 WHEREAS, the parties each stated their respective positions on these issues
18 in the Preliminary Pretrial Conference Statement filed October 22, 2012, and
19 Walgreens' counsel raised the issue at the Preliminary Pretrial Conference on
20 November 9, 2012.

21 WHEREAS, Ms. Solis' attorney Michael Bononi graciously agreed at the
22 Preliminary Pretrial Conference to stipulate to extend the Expert Discovery Cutoff
23 as to Dr. Udwardia's deposition. Mr. Bononi also indicated he would remain silent
24 as to any motion by Walgreens, if one becomes necessary, to set a reasonable fee for
25 Dr. Udwardia's deposition or trial testimony.

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

28 1. Walgreens will be permitted to take the deposition of Dr. Neville
Udwardia on or before June 30, 2013.

1 2. In the event Walgreens cannot come to an agreement with Dr. Udwardia
2 regarding his demanded hourly fees for his testimony, Ms. Solis will not oppose any
3 motion that Walgreens brings seeking the Court to set a reasonable hourly rate
4 and/or reasonable terms regarding advance payment and refundability of Dr.
5 Udwardia's fees.

6 3. Mr. Enos shall be permitted to prepare a second supplemental Rule 26
7 report to update calculations of lost wages through trial and beyond. Mr. Enos'
8 report will be served on Walgreens on or before June 15, 2013.

9 4. Walgreens will be permitted to take the deposition of Craig Enos on or
10 before July 1, 2013.

11 5. Walgreen will be permitted to designate a rebuttal expert with a Rule
12 26 report only as to those issues and opinion raised by Mr. Enos' original and
13 supplemental reports on or before July 1, 2013.

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

16 Dated: November 19, 2012

BONONI LAW GROUP, LLP

17
18 By: /s/ Christy W. Granieri
19 Michael J. Bononi
20 Christy W. Granieri
21 Attorneys for Plaintiff
22 Belinda Solis


23 Dated: November 19, 2012

WEINTRAUB TOBIN CHEDIAK
COLEMAN GRODIN

24 By: /s/ Shauna N. Correia
25 Scott M. Plamondon
26 Shauna N. Correia
27 Attorneys for Defendant
28 Walgreen Co.

1 IT IS SO ORDERED.

2 Date: 11/21/2012

3 
4 Edward J. Davila,
5 Judge of the Northern District of California

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28