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Attorneys for Defendants Domtar Corporation and Polsinelli PC

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

17 KELLY BREZOCZKY, an individual,
 18 Plaintiff,
 19 v.
 20 DOMTAR CORPORATION, a Delaware
 21 corporation; and POLSINELLI PC, a Missouri
 22 professional corporation,
 23 Defendants.

Case No. 5:16-CV-4995-EJD

**STIPULATION & ~~PROPOSED~~ ORDER TO
 EXTEND EXPERT DEADLINES IN
 PRETRIAL ORDER (JURY)**

Judge: Hon. Edward J. Davila
 Courtroom 4, Fifth Floor

24
 25 PLAINTIFF KELLY BREZOCZKY (“Plaintiff”) and DEFENDANTS DOMTAR
 26 CORPORATION (“Domtar”) and POLSINELLI PC (“Polsinelli”) (Domtar and Polsinelli are
 27 collectively referred to herein as “Defendants”), pursuant to Local Rules 6-2 and 7-12, jointly submit
 28

1 this stipulation asking the Court to extend the deadlines for expert disclosures. The proposed dates
2 below would not impact any other deadlines as described below

3 **RECITALS**

4 WHEREAS, the Court entered its Pretrial Order (Jury) on May 31, 2017 (ECF No. 48), setting
5 the following deadlines on expert disclosures:

6 **July 31, 2017:** disclose opening expert reports

7 **August 24, 2017:** disclose rebuttal expert reports

8 WHEREAS, the deadline for dispositive motions is October 13, 2017 and the case is set for trial
9 commencing January 25, 2018;

10 WHEREAS, the parties have been diligent in conducting discovery, have exchanged written
11 discovery, and have conducted multiples depositions and scheduled a deposition of a witness
12 associated with one of the defendants on Augusts 1, 2017 after considerable difficulty finding a date
13 that could work for all counsel appearing at the deposition and the deponent;

14 WHEREAS, in light of the parties' reasonable desire to complete this deposition before
15 exchanging expert reports and conducting expert discovery, the parties agree that they will be unable to
16 meet the expert deadlines noted above;

17 WHEREAS, the parties believe that extending these deadlines as set forth below will allow
18 them sufficient time to meet the deadlines proposed below;

19 WHEREAS, there is good cause for an extension of the aforementioned deadlines;

20 WHEREAS, extending the deadlines would prejudice no party;

21 WHEREAS, extending the deadlines would not affect any other dates in the Pretrial Jury Order
22 in the event the Court accepts the proposed dates below.

23 **STIPULATION**

24 IT IS HEREBY STIPULATED by the parties that the deadlines for expert disclosures, fact and
25 expert discovery cutoff, and to file dispositive motions should be extended as follows:

26 **August 9, 2017:** disclose opening expert reports

27 **September 8, 2017:** disclose rebuttal expert reports

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Dated: July 28, 2017

LEONARDMEYER LLP

By: /s/ Derek J. Meyer
Derek J. Meyer
Attorneys for Plaintiff


Dated: July 28, 2017

POLSINELLI LLP

By: /s/ Noel S. Cohen
Noel S. Cohen
Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 31, 2017



Hon. Edward J. Davila
United States District Judge

1 **DECLARATION OF DEREK J. MEYER**

2 I, Derek J. Meyer, declare and state as follows:

3 1. I am an attorney licensed to practice before all courts of in the States of California and
4 Illinois. This includes the Court. I am lead counsel for Plaintiff in this matter.

5 2. I have personal knowledge of the facts set forth herein and, if called as a witness, I
6 could and would testify competently as to those facts.

7 3. The parties have been diligent in conducting discovery, have exchanged written
8 discovery, and have conducted multiples depositions and scheduled a deposition of a witness
9 associated with one of the defendants on Augusts 1, 2017 after considerable difficulty finding a date
10 that could work for all counsel appearing at the deposition and the deponent.

11 4. In light of the parties' reasonable desire to complete this deposition before exchanging
12 expert reports and conducting expert discovery, the parties agree that they will be unable to meet the
13 expert deadlines noted above.

14 5. The parties believe that extending these deadlines as set forth below will allow them
15 sufficient time to meet the expert deadlines proposed in the parties' stipulation above.

16 6. Extending the deadlines would not affect any other dates in the Pretrial Jury Order in
17 the event the Court accepts the expert deadlines proposed in the parties' stipulation above.

18 I declare under penalty of perjury under the law of the United States of America that the
19 foregoing is true and correct.

20 Executed on July 28, 2017 in Los Angeles, California.

21 */s/ Derek J. Meyer*
22 _____
23 Derek J. Meyer
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