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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 DISCOVERY CUT-OFF IN
 PRETRIAL ORDER (JURY)**

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

24 PLAINTIFF KELLY BREZOCZKY (“Plaintiff”) and DEFENDANTS DOMTAR
 25 CORPORATION (“Domtar”) and POLSINELLI PC (“Polsinelli”) (Domtar and Polsinelli are
 26 collectively referred to herein as “Defendants”), pursuant to Local Rules 6-2 and 7-12, jointly submit
 27 this stipulation asking the Court to briefly extend the cut-off for fact and expert discovery. The
 28 proposed date below would not impact any other deadlines as described below.

1 **RECITALS**

2 WHEREAS, the Court entered its Amended Pretrial Order on August 10, 2017 (ECF No. 52),
3 setting a **September 22, 2017** cut-off for fact and expert discovery.

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

6 WHEREAS, the parties have been diligent in conducting discovery, have exchanged written
7 discovery, have conducted multiple depositions and have had to calendar a number of depositions for
8 the weeks of September 25 and October 2 to accommodate the schedules of witnesses and counsel;

9 WHEREAS, the parties agree that they were unable to meet the September 22 discovery
10 deadline noted above;

11 WHEREAS, the parties believe that extending the discovery cut-off briefly will allow them
12 sufficient time to meet the deadline proposed below;

13 WHEREAS, there is good cause for an extension of the discovery cut-off;

14 WHEREAS, extending this deadline would prejudice no party;

15 WHEREAS, extending the fact and expert discovery deadline would not affect any other dates
16 in the Amended Pretrial Order in the event the Court accepts the proposed dates below.

17 **STIPULATION**

18 IT IS HEREBY STIPULATED by the parties that the deadlines for fact and expert discovery
19 should be extended to **October 6, 2017**.

20 Dated: September 27, 2017

LEONARDMEYER LLP

21
22 By: /s/ John P. Killacky _____
John P. Killacky
23 Attorneys for Plaintiff

24 Dated: September 27, 2017

POLSINELLI LLP

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26 By: /s/ Noel S. Cohen _____
Noel S. Cohen
27 Attorneys for Defendants
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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2
3 Dated: September 28, 2017



4 Hon. Edward J. Davila
5 United States District Judge

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DECLARATION OF NOEL S. COHEN

I, Noel S. Cohen, declare and state as follows:

1. I am an attorney duly licensed to practice law before all courts in the State of California, including the United States District Court for the Central District of California. I am one of the attorneys of record for Defendants in the above-captioned matter.

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

3. The Court entered its Amended Pretrial Order on August 10, 2017 (ECF No. 52), setting a **September 22, 2017** cut-off for fact and expert discovery.

4. The deadline for dispositive motions is October 13, 2017 and the case is set for trial on January 25, 2018.

5. The parties have been diligent in conducting discovery, have exchanged written discovery, have conducted a significant number of depositions and have had to calendar a number of depositions across the country for the weeks of September 25 and October 2 to accommodate the schedules of party witnesses, third party witnesses and counsel.

6. The parties believe and agree that extending the September 22 discovery cut-off briefly will allow them sufficient time to meet the proposed new October 6 deadline.

7. Extending this deadline would prejudice no party and would not affect any other dates in the Amended Pretrial Order.

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

Executed on September 27, 2017 at Los Angeles, California.

/s/ Noel S. Cohen

Noel S. Cohen