

1 JARED M. KATZ (SBN 173388)  
 2 jkatz@mullenlaw.com  
 3 MULLEN & HENZELL L.L.P.  
 4 Post Office Drawer 789  
 5 112 East Victoria Street  
 6 Santa Barbara, California 93102-0789  
 7 Telephone: (805) 966-1501  
 8 Facsimile: (805) 966-9204

9 Attorneys for Defendants RED RIVER WAREHOUSE, INC. and RED RIVER  
 10 WAREHOUSE OF CALIFORNIA, LLC

11 EUGENE KIM (SBN 221753)  
 12 GREG G. SNARR (SBN 267217)  
 13 GRESHAM, SAVAGE, NOLAN & TILDEN  
 14 3750 University Avenue, Suite 250  
 15 Riverside, California 92502-1240  
 16 Telephone: (909) 684-2171  
 17 Facsimile: (909) 684-2150

18 Attorneys for Counter-Claimants RED RIVER WAREHOUSE, INC. and RED  
 19 RIVER WAREHOUSE OF CALIFORNIA, LLC

20 SHARON C. COLLIER (SBN 203450)  
 21 ARCHER NORRIS  
 22 A Professional Law Corporation  
 23 2033 North Main Street, Suite 800  
 24 Walnut Creek, California 94596-3759  
 25 Telephone: (925) 930-6600  
 26 Facsimile: (925) 930-6620

27 Attorneys for Plaintiff and Counter-defendant JOHNS MANVILLE

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

28 JOHNS MANVILLE, )  
 )  
 ) Plaintiff, )  
 )  
 ) v. )  
 )  
 ) RED RIVER WAREHOUSE, INC.; and )  
 ) DOES 1 through 30, )  
 )  
 ) Defendants. )

Case No. 2:10-CV-02260-WBS-EFB  
  
**STIPULATION TO CONTINUE  
 EXPERT DISCLOSURE AND  
 MOTION FILING DEADLINES;  
 ORDER**  
  
 FRCP 34; Local Rule 250.3

1  
2 RED RIVER WAREHOUSE, INC.,  
3 AND RED RIVER WAREHOUSE OF  
CALIFORNIA, LLC

4 Counter-Claimants,

5 vs.

6 JOHNS MANVILLE,

7  
8 Cross-Defendants.

9  
10 The parties, by and through their undersigned counsel of record, hereby  
11 stipulate to the following:

12 RECITALS

13 WHEREAS, the Status (Pretrial Scheduling) Order provides that the  
14 parties shall disclose experts and produce reports pursuant to Federal Rule Civil  
15 Procedure 26(a)(2) by August 19, 2011, and thereafter that rebuttal experts and  
16 reports shall be disclosed by September 16, 2011;

17 WHEREAS, the Status (Pretrial Scheduling) Order provides that all  
18 motions, except motions for continuances, temporary restraining orders, or other  
19 emergency applications, shall be filed on or before October 14, 2011;

20 WHEREAS, counsel have been engaged in meet-and-confer discussions to  
21 cooperate on the scheduling of expert discovery and discovery that may be needed  
22 in the preparation of dispositive motions;

23 WHEREAS, the parties agree that continuing the expert disclosure and  
24 motion filing deadline dates will serve the purposes of cooperating, making expert  
25 disclosures more meaningful and useful, and being efficient in completing pre-trial  
26 discovery;

27 WHEREAS, Federal Rule of Civil Procedure 26(a)(2)(D) provides that the  
28 parties may stipulate as to the timing for expert disclosures;

1 WHEREAS, continuing the deadline to file a motion with the court would  
2 not interfere with the trial date and would promote the efficiency of discovery  
3 completion;

4 WHEREAS, there have been no previously extensions of time for expert  
5 disclosure or motion filing deadlines;

6 STIPULATION

7 WHEREFORE, the parties hereby stipulate that the subject deadlines shall  
8 be extended and continued as follows:

9 1. The parties shall disclose experts and produce reports in accordance  
10 with Federal Rule of Civil Procedure 26(a)(2) by no later than September 30, 2011;

11 2. With regard to expert testimony intended solely for rebuttal, those  
12 experts shall be disclosed and reports produced in accordance with Federal Rule of  
13 Civil Procedure 26(a)(2) on or before October 28, 2011;

14 3. Expert-related discovery shall be completed by December 2, 2011.

15 4. All motions, except motions for continuances, temporary restraining  
16 orders, or other emergency applications, shall be filed on or before November 30,  
17 2011.

18 **IT IS SO STIPULATED.**

19 Dated: August \_\_\_, 2011

**MULLEN & HENZELL L.L.P.**

signature on original

21 By: \_\_\_\_\_  
22 Jared M. Katz  
23 Attorneys for Defendants RED RIVER  
WAREHOUSE, INC. and RED RIVER  
WAREHOUSE OF CALIFORNIA, LLC

24 Dated: August \_\_\_, 2011

**GRESHAM, SAVAGE, NOLAN &  
TILDEN**

signature on original

27 By: \_\_\_\_\_  
28 Eugene Kim

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Attorneys for Counter-claimants RED  
RIVER WAREHOUSE, INC. and RED  
RIVER WAREHOUSE OF  
CALIFORNIA, LLC

Dated: August \_\_\_\_, 2011

**ARCHER NORRIS**

By: \_\_\_\_\_ signature on original  
Sharon Collier  
Attorneys for Plaintiff Counter-Defendant  
Johns Manville

ORDER

1 In light of the foregoing stipulation of the parties, IT IS HEREBY  
2 ORDERED that the February 24, 2011 Status (Pretrial Scheduling) Order is  
3 modified as follows:<sup>1</sup>

4 1. The parties shall disclose experts and produce reports in accordance  
5 with Federal Rule of Civil Procedure 26(a)(2) by no later than September 30,  
6 2011;

7 2. With regard to expert testimony intended solely for rebuttal, those  
8 experts shall be disclosed and reports produced in accordance with Federal Rule  
9 of Civil Procedure 26(a)(2) on or before October 28, 2011;

10 3. Expert-related discovery shall be completed by December 2, 2011;

11 4. Motions to compel expert-related discovery must be heard not later than  
12 November 2, 2011; and

13 5. All motions, except motions for continuances, temporary restraining  
14 orders, or other emergency applications, shall be filed on or before November 30,  
15 2011.

16 Dated: August 22, 2011.

17   
18 EDMUND F. BRENNAN  
19 UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The Rule 16 good cause standard is not addressed herein in light of the parties' stipulation.