

1 STEPHEN M. HAYES (SBN 83583)  
2 STEPHEN P. ELLINGSON (SBN 136505)  
3 JAMIE A. RADACK (SBN 221000)  
4 NICOLE C. WEBSTER (SBN 311863)  
5 HAYES SCOTT BONINO ELLINGSON & McLAY, LLP  
203 Redwood Shores Parkway, Suite 480  
Redwood City, California 94065  
Telephone: 650.637.9100  
Facsimile: 650.637.8071

6 Attorneys for Defendant  
STATE FARM GENERAL INSURANCE COMPANY

8 JOHN T. BELL (SBN 209941)  
9 LAW OFFICES OF JOHN T. BELL  
10 151 Callan Ave., Suite 102  
San Leandro, CA 94577  
Telephone: (510) 895-4044  
Facsimile: (510) 895-4077

11 Attorneys for Plaintiff  
FLOYD CASTRO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

15 | FLOYD CASTRO

16 || Plaintiffs,

17 || VS.

18 STATE FARM GENERAL INSURANCE  
19 COMPANY and DOES 1 through 10,  
inclusive.

Defendants.

CASE NO. 4:15-cv-05728 WHO

**STIPULATION TO CONTINUE CASE  
MANAGEMENT CONFERENCE AND  
DISCOVERY DATES AND  
ORDER**

**TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

24 This stipulation to continue the Case Management Conference and discovery dates in the  
25 above-referenced matter is made and entered into by and between plaintiff Floyd Castro (“Castro”),  
26 and defendant State Farm General Insurance Company (“State Farm”), referred to collectively as the  
27 “Parties.”

28 || //

## **RECITALS**

1. WHEREAS, trial counsel for State Farm, Stephen P. Ellingson, has just learned that he must undergo open heart surgery on Tuesday, March 21, 2017, and as part of his recovery, will not be able to drive until mid to late May, 2017;
2. WHEREAS, this matter is currently scheduled for a Case Management Conference to be held on April 11, 2017, at 2:00 p.m. in the above referenced Court;
3. WHEREAS, the current discovery cutoff is May 1, 2017;
4. WHEREAS, the current deadline to exchange expert disclosures is May 1, 2017;
5. WHEREAS, the current expert discovery cutoff is August 18, 2017;
6. WHEREAS, the parties have substantially completed written discovery and State Farm intends to file its motion for summary judgment, or in the alternative, partial summary judgment in time to have it heard by the current dispositive motion deadline of June 28, 2017;
7. WHEREAS, the parties agree that if State Farm's motion for summary judgment, or partial summary judgment is granted in whole or in part, it may obviate the need for the parties to incur the cost of retaining experts and engaging those experts to prepare the narrative expert report required by FRCP 26(a)(2) and the depositions of such experts. It may also obviate the need to depose fact witnesses. The parties wish to litigate this matter in a cost effective manner and avoid unnecessary expert retention expenses and attorneys fees and costs.
8. For these reasons, the parties have agreed to stipulate to certain revisions to the Court's Pretrial Order to accommodate trial counsel's unexpected need for open heart surgery and avoid incurring the expense of expert disclosures and other discovery that may not be necessary before the resolution of State Farm's motion for summary judgment, or in the alternative, partial summary judgment.

Accordingly, the parties hereby stipulate to revising the Scheduling Order as follows.

## II. STIPULATION

The parties hereby stipulate to the following revisions to the court's Scheduling Order:

1.	Case management conference	May 30, 2017 (currently April 11, 2017)
2.	Dispositive motions heard by:	June 28, 2017 (remains the same)
3.	Fact discovery cutoff:	July 28, 2017 (currently May 1, 2017)
4.	Expert disclosure:	July 28, 2017; (currently May 1, 2017)
5.	Expert discovery cutoff:	September 1, 2017 (currently August 18, 2017)
6.	The Court's Pretrial Order dated March 24, 2016 otherwise remains in effect.	

Dated: March 15, 2017

## LAW OFFICES OF JOHN T. BELL

By: /S/ John T. Bell

JOHN T. BELL

Attorneys for Plaintiff

## FLOYD CASTRO

Dated: March 15, 2017

HAYES SCOTT BONINO ELLINGSON & McLAY, LLP

By */S/ Jamie A. Radack*

STEPHEN M. HAYE

STEPHEN P. ELLINGSON

JAMIE A. RADACK

## NICOLE C. WEBSTER

Attorneys for Defendant

STATE FARM GENER  
COMPANY

## COMPANY

## ORDER

Pursuant to the stipulated request by all Parties to this action and good cause appearing, the Court ORDERS that the case management conference set for April 11, 2017 is hereby continued to May 30, 2017, at 2:00 p.m.

The Pretrial Order of March 24, 2016 is also hereby revised as follows:

1. Fact discovery cutoff: July 28, 2017  
(currently May 1, 2017)
2. Expert disclosure: July 28, 2017;  
(currently May 1, 2017)
3. Expert discovery cutoff: September 1, 2017  
(currently August 18, 2017)
4. The Court's Pretrial Order dated March 24, 2016 otherwise remains in effect.

IT IS SO ORDERED.

Dated: March 16, 2017

HONORABLE WILLIAM H. ORRICK  
UNITED STATES DISTRICT COURT –  
NORTHERN DISTRICT OF CALIFORNIA