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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

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11 CALMAT CO. dba VULCAN 12 MATERIALS COMPANY, WESTERN DIVISION, a Delaware Corporation, 13 Plaintiff, 14 v. 15 SAN GABRIEL VALLEY GUN 16 CLUB, a non-profit California Corporation, and DOES 1 through 10, 17 inclusive, 18 Defendants.) CASE NO: EDCV08-1198 WHS (OPx)) STIPULATION TO EXTEND TRIAL AND PRETRIAL DATES) <i>Pursuant to</i> Fed. R. Civ. P. 16(b)(4) and) L.R. 16-14
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20 The parties, Plaintiff Calmat Co. dba Vulcan Materials Co., Western Division
21 (“Plaintiff”) and Defendant San Gabriel Valley Gun Club (“Defendant”), through
22 their respective attorneys of record, hereby move the Court to reschedule certain
23 dates set by this Court in the Order of March 15, 2010 (Docket Document 35
24 herein), and the Scheduling Order dated May 4, 2009 (Docket Document 23 herein).

25 WHEREAS, Plaintiff filed its Complaint on September 4, 2008;
26 WHEREAS, the Scheduling Order of May 4, 2009, set the following dates:
27 1. Discovery Cut-off Date of May 7, 2010;
28 2. Expert Discovery Cut-off Date of July 2, 2010;

- 1 3. Non-Discovery Motion Hearing Cut-off Date of August 30, 2010;
2 4. Final Pretrial Conference of October 4, 2010; and
3 5. Jury Trial Date of October 19, 2010;

4 WHEREAS, the Order of March 15, 2010, set the following dates:

- 5 1. Last Day to Disclose Expert Witnesses and produce reports shall be
6 May 7, 2010; and
7 2. Last Day to Disclose Rebuttal Expert Witnesses and produce rebuttal
8 expert reports shall be May 28, 2010.

9 WHEREAS, based on the progress of this Action, the parties believe a three-
10 month extension of all deadlines will allow the parties to engage in meaningful
11 settlement proceedings with the magistrate for this Action;

12 WHEREAS, written discovery produced numerous potential witnesses with
13 knowledge pertaining to most of the sixty-year history of the property at issue, and
14 accordingly the parties have several depositions scheduled (and several further are
15 envisioned) that are likely to produce information that will allow the parties to be
16 prepared to take full advantage settlement negotiation process;

17 WHEREAS, the parties do not believe the three-month extension sought hereby
18 will prejudice either party or result in undue delay;

19 WHEREAS, Federal Rule of Civil Procedure (“FRCP”) Rule 16(b)(4) requires
20 good cause and judicial consent as prerequisites to modifying a scheduling order;
21 and

22 WHEREAS, the parties have only requested one extension in this matter (see
23 the Order of March 15, 2010), which was a request for an extension of the expert
24 discovery deadlines. The parties believe that request was necessary to clarify a
25 portion of the Scheduling Order that was subject to several reasonable
26 interpretations.

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1 NOW, THEREFORE, BASED ON THE FOREGOING FACTS, THE PARTIES
2 HEREBY STIPULATE AND MOVE TO COURT FOR ORDER RESETTING
3 THE FOLLOWING DEADLINES:

- | | | | |
|----|-----|---|----------------------|
| 4 | 1. | Discovery Cut-off | August 6, 2010; |
| 5 | 2. | Last Day to designate experts | August 6, 2010; |
| 6 | | and provide reports required by FRCP Rule | |
| 7 | | 26(a)(2)(B) | |
| 8 | 3. | Last Day to designate rebuttal expert | August 27, 2010; |
| 9 | | witnesses and provide report as required | |
| 10 | | by FRCP 26(a)(2)(B) | |
| 11 | 4. | Expert Discovery Cut-off | October 1, 2010; |
| 12 | 5. | Non-Discovery Motion Cut-off | November 30, 2010; |
| 13 | 6. | Last Day to lodge Pre-Trial Conference | December 20, 2010; |
| 14 | | Order | |
| 15 | 7. | Last Day to e-file proposed Jury Instructions | December 20, 2010; |
| 16 | 8. | Last Day to file Memoranda of Contentions | December 23, 2010; |
| 17 | | of Fact & Law, Exhibit Lists, and Witness | |
| 18 | | Lists | |
| 19 | 9. | Last Day to file Joint Statement of the Case | December 29, 2010; |
| 20 | 10. | Final Pretrial Conference | January 4, 2011; and |
| 21 | 11. | Trial | January 19, 2011. |

1 **IT IS SO STIPULATED AND AGREED.**

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3 Dated: April 21, 2010

MICHEL & ASSOCIATES, L.P.

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/s/ W. Lee Smith

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W. Lee Smith
Attorney for Defendant San Gabriel
Valley Gun Club

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9 Dated: April 21, 2010

**JEFFER MANGELS BUTLER
& MARAMO LLP**

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/s/ Paul Kroeger

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Paul Kroeger
Attorney for Plaintiff Calmat Co. dba
Vulcan Materials Co., Western Division

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1 PROOF OF SERVICE

2 IT IS HEREBY CERTIFIED THAT:

3 I, the undersigned, am a citizen of the United States and am at least eighteen
4 years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach,
California, 90802.

5 I am not a party to the above-entitled action. I have caused service of:

6 **STIPULATION TO EXTEND TRIAL AND PRETRIAL DATES**

7 on the following party by electronically filing the foregoing with the Clerk of the
8 District Court using its ECF System, which electronically notifies them.

9 Kenneth A. Ehrlich
10 kehrlich@jmbm.com

11 Paul A. Kroeger
12 pkroeger@jmbm.com

13 JEFFER MANGELS BUTLER & MARAMO LLP
14 1900 Avenue of the Stars, 7th Floor
15 Los Angeles, CA 90067

16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on April 21, 2010.

18 /s/ _____
19 Christina Sanchez
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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

CALMAT CO. dba VULCAN
MATERIALS COMPANY,
WESTERN DIVISION, a Delaware
Corporation,

Plaintiff,

v.

SAN GABRIEL VALLEY GUN
CLUB, a non-profit California
Corporation, and DOES 1 through 10,
inclusive,

Defendants.

NO: EDCV08-1198 WHS (OPx)

**[PROPOSED] ORDER RE:
STIPULATION TO EXTEND TRIAL
AND PRETRIAL DATES**

Pursuant to the Stipulation of the parties, and good cause being shown thereby,
it is hereby ORDERED that:

1. The Discovery Cut-off is continued from the current date of May 7, 2010, to August 6, 2010;
2. The last day to designate experts and provide reports required by FRCP Rule 26(a)(2)(B) is continued from the current date of July 2, 2010, to August 6, 2010;
3. Last Day to designate rebuttal expert witnesses and provide report as required by FRCP 26(a)(2)(B) is continued from the current date of May 7, 2010, to August 27, 2010;

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- 4. The Expert Discovery Cut-off is continued from the current date of July 2, 2010, to October 1, 2010;
- 5. The Non-Discovery Motion Cut-off is continued from the current date of August 30, 2010, to November 30, 2010;
- 6. The Last Day to lodge Pre-Trial Conference Order is continued from the current date of September 20, 2010, to December 20, 2010;
- 7. The Last Day to e-file proposed Jury Instructions is continued from the current date of September 20, 2010, to December 20, 2010;
- 8. Last Day to file Memoranda of Contentions of Fact & Law, Exhibit Lists, and Witness Lists is continued from the current date of September 23, 2010, to December 23, 2010;
- 9. Last Day to file Joint Statement of the Case is continued from the current date of September 29, 2010, to December 29, 2010;
- 10. Final Pretrial Conference is continued from the current date of October 4, 2010, to January 4, 2011;
- 11. Trial is continued from the current date of October 19, 2010, to January 19, 2011.

IT IS SO ORDERED.

Dated:

United States District Court Judge

1 PROOF OF SERVICE

2 IT IS HEREBY CERTIFIED THAT:

3 I, the undersigned, am a citizen of the United States and am at least eighteen
4 years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach,
California, 90802.

5 I am not a party to the above-entitled action. I have caused service of:

6 **[PROPOSED] ORDER RE: STIPULATION TO EXTEND TRIAL
AND PRETRIAL DATES**

7 on the following party by electronically filing the foregoing with the Clerk of the
8 District Court using its ECF System, which electronically notifies them.

9 Kenneth A. Ehrlich
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Paul A. Kroeger
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JEFFER MANGELS BUTLER & MARAMO LLP
12 1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

14 I declare under penalty of perjury that the foregoing is true and correct.

15 Executed on April 21, 2010.

16 /s/ _____
17 Christina Sanchez

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