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Attorneys for Defendants, TATE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PRAETORIAN INSURANCE COMPANY,

Plaintiffs,

vs.

A R BUSINESS GROUP, INC. dba U S TIRE &
WHEEL; MARSHAUN TATE; SHAUN TATE
by and through his guardian ad litem, KENNETH
TATE; ELISEO QUINTERO, SR.; AIDA
QUINTERO; FORD MOTOR COMPANY;
BRIDGESTONE AMERICAS, ICN.,

Defendants.

No. 2:13-CV-02639-MCE-EFB

**STIPULATION AND ORDER TO
CONTINUE TRIAL AND EXTEND
THE DISCOVERY CUT OFF AND
EXPERT DISCLOSURE DATES**

Trial Date: February 26, 2016

THE PARTIES HERETO, by and through their respective counsel, stipulate as follows:

WHEREAS the Final Pre-trial Conference is set for January 7, 2016, and Trial is set for
February 26, 2016;

WHEREAS the last day to hear dispositive motions is October 29, 2015;

///

1 WHEREAS on March 30, 2015, the Court signed a Stipulation and Order to extend the
2 discovery cut off date from April 24, 2015 to July 20, 2015, and expert witness disclosure date
3 from June 26, 2015 to August 14, 2015. (Document 27);

4 WHEREAS, Plaintiffs scheduled a total of nine depositions in this matter between April
5 2, 2015 to April 22, 2015;

6 WHEREAS on March 31, 2015, defendant AR Business Group, Inc. dba U.S. Tire &
7 Wheel filed a Voluntary Petition in the United States Bankruptcy Court for the Eastern District
8 of California, bankruptcy petition #15-22566;

9 WHEREAS the bankruptcy action resulted in an automatic bankruptcy stay pursuant to
10 11 U.S.C. section 362(a), thereby preventing the parties from proceeding with the
11 aforementioned depositions, completing discovery, and from preparing and designating experts;

12 WHEREAS on April 20, 2015, the bankruptcy was dismissed for failure to timely file
13 documents;

14 WHEREAS, on April 28, 2015, AR Business Group filed a Motion for Reconsideration
15 of the bankruptcy dismissal, which was denied on May 18, 2015, as the Court deemed it “unduly
16 confusing” to vacate the dismissal as notice had already been sent to the creditors, and that the
17 proper course of action would be for AR Business Group to re-file the bankruptcy action;

18 WHEREAS on June 22, 2015, Mr. Matulich, counsel for AR Business Group, indicated
19 to Estee Lewis of Barr & Mudford’s office that the bankruptcy would be re-filed in the first half
20 of July, which would result in a further automatic stay of proceedings.

21 WHEREAS the parties agree that a further extension is necessary in this case to give the
22 plaintiffs time to file a Motion for Relief of the Automatic Bankruptcy Stay; allow the parties to
23 reschedule the aforementioned depositions; allow the parties to complete discovery, prepare and
24 designate experts; and allow the parties to prepare dispositive motions.
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THEREFORE, the parties hereby stipulate, by and through their respective counsel, that:

1. The discovery cut off date currently set for July 20, 2015, should be extended until December 18, 2015;
2. The expert witness disclosure date currently set for August 14, 2015, should be extended until January 22, 2016;
3. The last day to hear dispositive motions currently set for October 29, 2015, should be extended until March 24, 2016;
4. The Final Pretrial Conference currently set for January 7, 2016, should be continued until June 9, 2016;
5. The Trial currently set for February 26, 2016, should be continued until July 22, 2016.

DATED: June 24, 2015

BARR & MUDFORD

/s/ John Douglas Barr
JOHN DOUGLAS BARR
Attorney for Defendants TATE

DATED: June 24, 2015

SELVIN, WRAITH, HALMAN LLP

/s/ Robin D. Korte
ROBIN D. KORTE
Attorney for Plaintiff, Praetorian
Insurance Company

DATED: June 24, 2015

JAMES J. KAUFMAN, A Professional
Corporation

/s/ James J. Kaufman
JAMES J. KAUFMAN
Attorney for Defendants AR BUSINESS
GROUP, INC., dba US TIRE & WHEEL

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DATED: June 24, 2015

LARSON, GARRICK & LIGHTFOOT, LLP

/s/ Mary P. Lightfoot
ARNOLD D. LARSON
MARY P. LIGHTFOOT
Attorneys for Defendant/Cross-Defendant,
BRIDGESTONE AMERICAS, INC.
ROSENTHAL LAW

DATED: June 24, 2015


/s/ S. David Rosenthal
S. DAVID ROSENTHAL
Attorney for Plaintiffs, ELISEO QUINTERO,
And AIDA QUINTERO

ORDER

The discovery cut off date currently set for July 20, 2015, is extended until December 18, 2015; the expert witness disclosure date currently set for August 14, 2015, is extended until January 22, 2016; the last day to hear dispositive motions currently set for October 29, 2015, is extended until March 24, 2016; the Final Pretrial Conference currently set for January 7, 2016, is continued until June 9, 2016; and the Trial currently set for February 26, 2016, is continued until July 22, 2016.

IT IS SO ORDERED.

Dated: June 30, 2015


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT