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7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10
11 **PRAETORIAN INSURANCE COMPANY,**

12 Plaintiffs,

13 vs.

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

20 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: July 22, 2016

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

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

25 WHEREAS the bankruptcy action resulted in an automatic bankruptcy stay pursuant to
26 11 U.S.C. section 362(a), thereby preventing the parties from proceeding with nine depositions
27 that had been set by defendants Tate and Quintero, completing discovery, and from preparing
28 and designating experts;

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

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

7 WHEREAS on July 14, 2015, AR Business Group, re-filed the Voluntary Petition in the
8 United States Bankruptcy Court for the Eastern District of California, bankruptcy petition #15-
9 25526-D-7, which has resulted in a further automatic stay of proceedings;

10 WHEREAS the Tate’s and Quintero’s filed a Motion for Relief of the Automatic
11 Bankruptcy Stay, which was recently granted on November 25, 2015;

12 WHEREAS the parties have been unable to conduct discovery in this matter due to AR
13 Business Group filing for bankruptcy and the cases being automatically stayed based on the
14 bankruptcy;

15 WHEREAS the current discovery cutoff date is December 18, 2015; the expert witness
16 disclosure is due on January 22, 2016; the last day to hear dispositive motions is March 25, 2016;
17 the Final Pre-trial Conference is June 16, 2016; and the Trial is set to begin on July 22, 2016;

18 WHEREAS the parties agree that a further extension is necessary in this case to allow the
19 parties to complete discovery, prepare and designate experts; and allow the parties to prepare and
20 respond to dispositive motions.

21 **THEREFORE, the parties hereby stipulate, by and through their respective**
22 **counsel, that:**

- 23
- 24 1. The discovery cut off date currently set for December 18, 2015, should be extended until
25 April 15, 2016;
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- 1 2. The expert witness disclosure date currently set for January 22, 2016, should be extended
2 until May 20, 2016;
- 3 3. The last day to hear dispositive motions currently set for March 25, 2016, should be
4 extended until July 29, 2016;
- 5 4. The Final Pretrial Conference currently set for June 16, 2016, should be continued until
6 September 22, 2016;
- 7 5. The trial currently set for July 22, 2016, should be continued until October 21, 2016.

9 DATED: December 7, 2015 BARR & MUDFORD

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

13 DATED: December 7, 2015 SELVIN, WRAITH, HALMAN LLP

14 /s/ Gary Selvin
15 GARY SELVIN
16 Attorney for Plaintiff, Praetorian Insurance Co.

17 DATED: December 7, 2015 JAMES J. KAUFMAN, A Professional Corp.

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

22 DATED: December 7, 2015 LARSON, GARRICK & LIGHTFOOT, LLP

23 /s/ Mary P. Lightfoot
24 ARNOLD D. LARSON
25 MARY P. LIGHTFOOT
26 Attorneys for Defendant/Cross-Defendant,
27 BRIDGESTONE AMERICAS, INC.

28 DATED: December 7, 2015 ROSENTHAL LAW

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

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Dated: December 7, 2015

MURCHISON & CUMMING, LLP

/s/ Tina H. Vo

RICHARD C. MORENO

TINA H. VO

Attorneys for Defendant/Cross-Complainant,
U.S. TIRE & WHEEL

ORDER

In accordance with the foregoing stipulation, and subject to the modified trial date as set forth below,

1. The discovery cut off date currently set for December 18, 2015, is extended until April 15, 2016;
2. The expert witness disclosure date currently set for January 22, 2016, is extended until May 20, 2016;
3. The last day to hear dispositive motions currently set for March 25, 2016, is extended until July 29, 2016;
4. The Final Pretrial Conference currently set for June 16, 2016, is continued until September 22, 2016;
5. The Bench Trial currently set for July 22, 2016, is continued until **October 28, 2016** (the October 21, 2016 date requested above is not an available date on the Court's calendar).

IT IS SO ORDERED.

Dated: December 22, 2015

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