



Trifiro v. Target Corporation

2020 | Cited 0 times | E.D. California | April 21, 2020

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO
DIVISION

MICHAEL TRIFIRO,

Plaintiff, vs. TARGET CORPORATION and DOES 1 through 50, inclusive,

Defendants.

Case No. 2:19-CV-01061-JAM-KJN PARTIES' JOINT STIPULATION TO CONTINUE TRIAL AND ALL PRETRIAL DATES AND DEADLINES; AND ORDER

(AS MODIFIED BY THE COURT)

Complaint filed: April 26, 2019 Action removed: December 4, 2019

Plaintiff, MICHAEL TRIFIRO ("Plaintiff"), and Defendant, TARGET CORPORATION ("Defendant") (collectively "the Parties"), through their counsel of record stipulate as follows:

RECITALS 1. Plaintiff filed the Complaint initiating this action on or about April 26, 2019, in the Superior Court of California, for the County of Sacramento, Case No. 34-2019-00255252 (the "State Action").

2. Defendant was served with the Complaint on May 9, 2019, and filed a Notice of Removal of the State Action to the United States District Court for the Eastern District of California on December 4, 2019.



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3. On October 1, 2019, this Court entered a Scheduling Conference Order (Dkt. No. 8), which set forth a schedule of certain pretrial and trial dates and deadlines, including, but not limited to, expert disclosure of May 1, 2020, a discovery cutoff date of July 3, 2020, a motion filing cutoff of September 1, 2020, a Final Pretrial Conference date of November 13, 2020, and a trial date of December 14, 2020.

4. Due to the COVID-19 situation that escalated in mid-March, and is continuing to escalate as of the time of the filing of this stipulation, all counsel in this case have been working remotely and handling their cases as best as possible, including the present case, but COVID-19 has posed significant limitations in completing discovery, depositions and mediation.

5. Further, the Parties agree that retaining experts and completing necessary expert discovery will be difficult given COVID-19 and its impact on business operations.

6. The Parties agree that they will continue to explore the option of using videoconferencing for deposition preparation, the actual depositions, and/or mediation, but at the present time have not yet been able to agree on a protocol that will ensure that videoconferencing (or any other remote procedure other than in-person sessions) will be fair, effective and feasible in this case.

7. Counsel for the Parties have met and conferred and believe the proper handling of this litigation requires a brief extension of approximately four (4) months so that discovery can be completed, depositions can be noticed and conducted, and the parties can attempt resolution through mediation.

8. Further, the other deadlines set forth in the Scheduling Conference Order that are dependent on the completion of discovery and mediation will also require a commensurate extension

of time to be completed.

9. The Parties have not previously requested any extension of the dates set forth in the Scheduling Conference Order, and if the request for an extension is granted, the Parties will continue to diligently work toward completing discovery, conducting their mediation and pursuing all other pretrial activities, including, if feasible and necessary, through remote means.

10. The Parties have agreed that the trial and all pretrial dates set forth in the Scheduling Conference Order be continued approximately four (4) months as follows, or whatever time period thereafter is convenient for the Court:

Jury Trial (Est. 45 days) : April 19, 2021 at 9:00 AM

[Prior Date: December 14, 2020] Pretrial Conference: March 12, 2021 at 10:00 AM

[Prior Date: November 13, 2020] : December 29, 2020



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[Prior Date: September 1, 2020] Hearing on Dispositive Motions: January 26, 2021 at 1:30 p.m.

[Prior Date: September 29, 2020] : November 3, 2021

[Prior Date: July 3, 2020] Supplemental Expert Disclosure: September 15, 2020

[Prior Date: May 15, 2020] Expert Disclosure: September 1, 2020

[Prior Date: May 1, 2020]

STIPULATION For the reasons stated above, the Parties hereto stipulate that the dates for Discovery and Dispositive Motions be extended, such that the Expert Disclosure will be September 1, 2020, Discovery cut off will be November 3, 2020, and filing of dispositive motions will be due by December 29, 2020. The Parties hereto further stipulate that the hearing on Dispositive Motions shall be continued to January 26, 2021, or such later date that is convenient for the Court.

Dated: April , 2020

By:

HINSHAW & CULBERTSON LLP

/s/ BRADLEY M. ZAMCZYK

LEILA M. MOHSENI Attorneys for Defendant TARGET CORPORATION Dated: April , 2020

By:

EASON & TAMBORINI

/s/ MATTHEW R. EASON

KYLE K. TAMBORINI Attorneys for Plaintiff MICHAEL TRIFIRO ORDER Based on the Joint Stipulation of the parties, and good cause appearing therefor, IT IS ORDERED that the Final Pretrial Conference currently set for November 13, 2020 be and hereby is continued to March 12, 2021 at 10:00 a.m. IT IS FURTHER ORDERED that trial in this action, currently set for December 14, 2020 be and hereby is continued to April 19, 2021 at 9:00 a.m.

IT IS SO ORDERED.



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DATED: 4/20/2020 /s/ John A. Mendez_____

JOHN A. MENDEZ

UNITED STATES DISTRICT COURT JUDGE

