| BRIAN CUNNINGS, KARL HANCOCK, CHRIS SWANSON and JACOB TÁLLMON UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA, FRESNO JAMES SANFORD POBURSKY and CASE NO. 1:07-CV-00611 AWI DLB JAMES SANFORD POBURSKY, 0 Plaintiffs, 0 Plaintiffs, 0 Plaintiffs, 0 EX PARTE APPLICATION FOR ORDER MODIFYING AMENDED SCHEDULING ORDER (DOC. 185) MADERA COUNTY, et al., 0 Defendants. 0 Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRI. CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
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| Attorneys for Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS BRIAN CUNNINGS, KARL HANCOCK, CHRIS SWANSON and JACOB TALLMON 7 8 9 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA, FRESNO 10 11 JAMES SANFORD POBURSKY and WANDA POBURSKY, 12 Plaintiffs, 13 Plaintiffs, 14 MADERA COUNTY, et al., 15 Defendants. 16 James Country, et al., 17 Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRL 19 CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
| 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA, FRESNO 10 JAMES SANFORD POBURSKY and WANDA POBURSKY, WANSAN, AND JACOB TALLMON, hereby submit 19 CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | Attorneys for Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRIAN CUNNINGS KARL HANCOCK, CHRIS SWANSON and JACOB TALLMON | | | | | |
| 9 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA, FRESNO 10 CASE NO. 1:07-CV-00611 AWI DLB 11 JAMES SANFORD POBURSKY and WANDA POBURSKY, 12 Plaintiffs, 13 Plaintiffs, 14 MODIFYING AMENDED SCHEDULING ORDER (DOC. 185) 14 Defendants. 15 Defendants. 16 Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRL 19 CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
| 9 EASTERN DISTRICT OF CALIFORNIA, FRESNO 10 JAMES SANFORD POBURSKY and WANDA POBURSKY, ANDA PO | | | | | | |
| I0 EASTERN DISTRICT OF CALIFORNIA, FRESNO 11 JAMES SANFORD POBURSKY and WANDA POBURSKY, CASE NO. 1:07-CV-00611 AWI DLB 12 Plaintiffs, EX PARTE APPLICATION FOR ORDER ORDER ORDER ORDER (DOC. 185) 14 MADERA COUNTY, et al., ORDER (DOC. 185) 15 Defendants. Oefendants. 17 CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
| WANDA POBURSKY, Plaintiffs, VS. MADERA COUNTY, et al., Defendants. MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRL CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
| Plaintiffs, Plaintiffs, vs. MADERA COUNTY, et al., Defendants. Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRL CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
| MODIFYING AMENDED SCHEDULING VS. MADERA COUNTY, et al., Defendants. Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRI. CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
| MADERA COUNTY, et al., Defendants. Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRI CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
| 15 Defendants. 16 17 18 Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRL 19 CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
| 16 17 18 Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRI. 19 CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
| 17 18 Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRI 19 CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
| 19 CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit | | | | | | |
| | Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRIAN | | | | | |
| | CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit the | | | | | |
| following exparte application for an order modifying the Order Amending Scheduling Order ("Amended | | | | | | |
| Scheduling Order") (Doc. 185). | | | | | | |
| On October 4, 2010, Magistrate Judge Dennis Beck issued findings and recommendations | | | | | | |
| granting defendants' motion to dismiss with prejudice (Doc. 219). Plaintiffs' objections to these | | | | | | |
| findings, if any, are to be filed on or before November 12, 2010. | | | | | | |
| 25 In light of the pending order on this motion, the COUNTY defendants request modification | ation of | | | | | |
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| 28 /// | | | | | | |
| Exparte Application for Order | | | | | | |

Modifying Amended Scheduling Order

| 1 | the operative scheduling order as follows: | | | | |
|-------------|---|---|-------------------------------------|--|--|
| 2 | Non-Expert Discovery | <u>Old Date</u> October 29, 2010 | <u>New Date</u> December 3, 2010 | | |
| 3 | Expert Witness Disclosure | November 1, 2010 | December 17, 2010 | | |
| 4 | Expert Discovery | November 19, 2010 | January 14, 2011 | | |
| 5 | Non-dispositive Motion Filing | November 24, 2010 | January 21, 2011 | | |
| 6 7 | Dispositive Motion Filing | December 31, 2010 | January 28, 2011 | | |
| 7 8 9 | | Respectfully submitted, | | | |
| 10 | DATED: October 28, 2010 | WEAKLEY, ARENDT & McGUIRE, LLP | | | |
| 11 | By: | /s/ James I. Arendt | | | |
| 12 | By. | /s/ James J. Arendt James J. Arendt Attorney for Defendants | | | |
| 13 | | COUNTY OF MADERA, et | al. | | |
| 14 | DECLARATION OF JAMES J. ARENDT | | | | |
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| 16 | I, James J. Arendt, declare as follows: | | | | |
| 17 | 1. I am an attorney at law, duly licensed to practice before the courts in the State of | | | | |
| 18 | California and the United States District Court for the Eastern District of California. I am a partner with | | | | |
| 19 | the law firm of Weakley, Arendt & McGuire, LLP, the attorneys of record for defendants, COUNTY | | | | |
| 20 | OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRIAN CUNNINGS, KARL | | | | |
| 21 | HANCOCK, CHRIS SWANSON, and JACOB TALLMON. As such, I have personal knowledge of | | | | |
| 22 | the matters set forth herein, except those matters stated on information and belief, and would so testify. | | | | |
| 23 | 2. This declaration is made in | support of defendants' ex pa | rte application for an order | | |
| 24 | modifying the Order Amending Scheduling | g Order ("Amended Scheduling | g Order") (Doc. 185). | | |
| 25 | 3. Good cause exists for this re | equest due to fact that on Octob | er 4, 2010, Magistrate Judge | | |
| 26 | Dennis Beck issued findings and recommendations granting defendants' motion to dismiss with | | | | |
| 27 | prejudice (Doc. 219). Plaintiffs' objections to these findings, if any, are to be filed on or before | | | | |
| 28 | November 12, 2010. | | | | |

| 1 | 4. Defendants believe that the proposed dates would provide adequate time for the Court | | | | |
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| 2 | to review any objections and reply and either adopt or reject the findings and recommendations while | | | | |
| 3 | still leaving ample time to conduct necessary discovery and exchange expert disclosures. This request | | | | |
| 4 | is made in good faith and with no improper purpose. | | | | |
| 5 | I declare under penalty of perjury that the foregoing is true and correct, to the best of my | | | | |
| 6 | knowledge, and that this declaration was executed on October 28, 2010, at Fresno, California. | | | | |
| 7 | /s/ James J. Arendt | | | | |
| 8 | /s/ James J. Arendt James J. Arendt | | | | |
| 9 | | <u>ORDER</u> | | | |
| 10 | Defendants' ex parte application for an order modifying the Order Amending Scheduling Order | | | | |
| 11 | ("Amended Scheduling Order") (Doc. 185) is granted. The current scheduling order is modified as | | | | |
| 12 | follows: | | | | |
| 13 | Non-Expert Discovery | <u>Old Date</u> October 29, 2010 | <u>New Date</u> December 3, 2010 | | |
| 14 | Expert Witness Disclosure | November 1, 2010 | December 17, 2010 | | |
| 15 | Expert Discovery | November 19, 2010 | January 14, 2011 | | |
| 16 17 | Non-dispositive Motion Filing | November 24, 2010 | January 21, 2011 | | |
| 17 | Dispositive Motion Filing | December 31, 2010 | January 28, 2011 | | |
| 19 | IT IS SO ORDERED. | | | | |
| 20 | Dated: <u>October 28, 2010</u> | /s/ Denr | nis L. Beck | | |
| 21 | | UNITED STATES | MAGISTRATE JUDGE | | |
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| | Exparte Application for Order | | | | |

Exparte Application for Order Modifying Amended Scheduling Order