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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA, FRESNO**

10
11 JAMES SANFORD POBURSKY and) CASE NO. 1:07-CV-00611 AWI DLB
WANDA POBURSKY,)
12)
Plaintiffs,) **EX PARTE APPLICATION FOR ORDER**
13) **MODIFYING AMENDED SCHEDULING**
vs.) **ORDER (DOC. 185)**
14)
MADERA COUNTY, et al.,)
15)
Defendants.)
16)
17)

18 Defendants, COUNTY OF MADERA, RICHARD ACKERMAN, JAMES ADKINS, BRIAN
19 CUNNINGS, KARL HANCOCK, CHRIS SWANSON, and JACOB TALLMON, hereby submit the
20 following ex parte application for an order modifying the *Order Amending Scheduling Order* (“*Amended*
21 *Scheduling Order*”) (Doc. 185).

22 On October 4, 2010, Magistrate Judge Dennis Beck issued findings and recommendations
23 granting defendants’ motion to dismiss with prejudice (Doc. 219). Plaintiffs’ objections to these
24 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 of

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Exparte Application for Order
Modifying Amended Scheduling Order

1 the operative scheduling order as follows:

	<u>Old Date</u>	<u>New Date</u>
2 Non-Expert Discovery	October 29, 2010	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 Dispositive Motion Filing	December 31, 2010	January 28, 2011

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8 Respectfully submitted,

9 DATED: October 28, 2010

10 WEAKLEY, ARENDT & McGUIRE, LLP

11 By: /s/ James J. Arendt
12 James J. Arendt
13 Attorney for Defendants
14 COUNTY OF MADERA, et al.

15 **DECLARATION OF JAMES J. ARENDT**

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 parte application for an order
24 modifying the *Order Amending Scheduling Order* ("*Amended Scheduling Order*") (Doc. 185).

25 3. Good cause exists for this request due to fact that on October 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.

