AUCHARD & STEWART APROFESSIONAL GORPORATION APPROPRISAL AW 2377 W. SHAW, SUITE 106 PERSON, CALIFORNA 93711-3438 TELEPROS (559) 422-0591 Paul Auchard Automeys for Defendants, GOLDEN VALLEY UNIFIED SCHOOL DISTRICT, TIMOTHY HAYES, KULJEET MANN AND CHRIS IMPERATRICE IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA JOHN ROE, minor, by and through his Guardian Ad Litem, SHEILA IRENE CALLAHAN, Plaintiff, Vs. GUSTINE UNIFIED SCHOOL DISTRICT; GOLDEN VALLEY UNIFIED SCHOOL DISTRICT; SIMMONS, aminor, BECHER, aka NYLESIMMONS, aminor, BECHER, aka NYLESIMMONS, aminor, BECHER, aka NYLESIMMONS, aminor, BECHER, aka NYLESIMMONS, aminor, BECHER, aka HUDSON, BETTY HUDSON, CARL SCUDDER; JASON SPAULDING, ANTHONY SOUZA; ADAM CANO; TIMOTHY HAYES; KULJEEP MANN; CHRIS IMPERATRICE, AND DOES 1- Defendants. Pursuant to the local rules of United States District Court of the Eastern District of California, Rule 83-143, Plaintiff, JOHN ROE, a minor, by and through his Guardian ad Litem, SHEILA IRENE CALLAHAN, and Defendants, GOLDEN VALLEY UNIFIED SCHOOL DISTRICT, TIMOTHY HAYES, KULJEET MANN AND CHRIS IMPERATRICE, GUSTINE UNIFIED SCHOOL DISTRICT, JASON SPAULDING, ANTHONY SOUZA, ADAM CANO, and CARL SCUDDER; CALLAHAN, and Defendants, GOLDEN VALLEY UNIFIED SCHOOL DISTRICT, TIMOTHY HAYES, KULJEET MANN AND CHRIS IMPERATRICE, GUSTINE UNIFIED SCHOOL DISTRICT, JASON SPAULDING, ANTHONY SOUZA, ADAM CANO, and CARL SCUDDER; C'Defendants'') through their counsel of record, ///			
2 ATTORNEYS AT LAW 237 W. SHAW, SUITE 106 FERSING, CALIFORNIA 9371-3438 TILLEPIONI (589) 432-0991 FAX (599)	1	Auchard & Stewart	
FERSON, CALIFORNIA 93711-3438 TELEPHONG (559) 432-0991 FAX (559) 432-1025 Paul Auchard Attorneys for Defendants, GOLDEN VALLEY UNIFIED SCHOOL DISTRICT, TIMOTHY HAYES, KULJEET MANN AND CHRIS IMPERATRICE IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA JOHN ROE, minor, by and through his Guardian) Ad Litem, SHEILA IRENE CALLAHAN,) Plaintiff,) Vs. GUSTINE UNIFIED SCHOOL DISTRICT;) GOLDEN VALLEY UNIFIED SCHOOL) DISTRICT; KYLE MATTHEW FISCHER, aka) KYLE SIMMONS, JASON SIMMONS, A minor; KELLY) SIMMONS, JASON SIMMONS, MATTHEW) McKIMMIE a minor MYRNA TYNDAL;) TOMMY SAN FELPO, a minor; FRANK) HUDSON; BETTY HUDSON; CARLSCUDDER;) JASON SPAULDING; ANTHONY SOUZA;) ADAM CANO, TIMOTHY HAYES; KULJEEP) MANN; CHRIS IMPERATRICE, AND DOES 1-) Pursuant to the local rules of United States District Court of the Eastern District of California, Rule 83-143, Plaintiff, JOHN ROE, a minor, by and through his Guardian ad Litem, SHEILA IRENE CALLAHAN, and Defendants, GOLDEN VALLEY UNIFIED SCHOOL DISTRICT, TIMOTHY HAYES, KULJEET MANN AND CHRIS IMPERATRICE, GUSTINE UNIFIED SCHOOL DISTRICT, JASON SPAULDING, ANTHONY SOUZA, ADAM CANO, and CARL SCUDDER, ("Defendants") through their counsel of record,	2		
4 FAX (559) 432-1025 Paul Auchard 6 Attorneys for Defendants, GOLDEN VALLEY UNIFIED SCHOOL DISTRICT, TIMOTHY HAYES, KULJEET MANN AND CHRIS IMPERATRICE 7 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA 10 JOHN ROE, minor, by and through his Guardian) Ad Litem, SHEILA IRENE CALLAHAN, 11 Plaintiff, 12 Vs. 13 GUSTINE UNIFIED SCHOOL DISTRICT; ORDER TO CONTINUE DISCOVERY AND TRIAL DATES 15 KYLE SIMMONS, aminor, MICHAEL FISCHER, aka) KYLE SIMMONS, aminor, MICHAEL FISCHER, aka MICHAEL SIMMONS, aminor, FRANK) HUDSON; BETTY HUDSON; CARL SCUDDER; 1 JASON SPAULDING; ANTHONY SOUZA; ADAM CANO; TIMOTHY HAYES; KULJEEP) MANN; CHRIS IMPERATRICE, AND DOES 1- 200, 20 Defendants. 21 Pursuant to the local rules of United States District Court of the Eastern District of California, Rule 83-143, Plaintiff, JOHN ROE, a minor, by and through his Guardian ad Litem, SHEILA IRENE CALLAHAN, and Defendants, GOLDEN VALLEY UNIFIED SCHOOL DISTRICT, TIMOTHY HAYES, KULJEET MANN AND CHRIS IMPERATRICE, GUSTINE UNIFIED SCHOOL DISTRICT, JASON SPAULDING, ANTHONY SOUZA, ADAM CANO, and CARL SCUDDER, ("Defendants") through their counsel of record,	3		
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SIMMONS; JASON SIMMONS; MATTHEW) McKIMMIE a minor; MYRNA TYNDAL;) TOMMY SAN FELIPO, a minor; FRANK) HUDSON; BETTY HUDSON; CARL SCUDDER;) JASON SPAULDING; ANTHONY SOUZA;) ADAM CANO; TIMOTHY HAYES; KULJEEP) MANN; CHRIS IMPERATRICE, AND DOES 1-) 200	15	KYLE SIMMONS, a minor; MICHAEL FISCHER,)	
TOMMY SAN FELIPO, a minor; FRANK) HUDSON; BETTY HUDSON; CARL SCUDDER;) JASON SPAULDING; ANTHONY SOUZA;) ADAM CANO; TIMOTHY HAYES; KULJEEP) MANN; CHRIS IMPERATRICE, AND DOES 1-) 200,	16	SIMMONS; JASON SIMMONS; MATTHEW)	
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25 HAYES, KULJEET MANN AND CHRIS IMPERATRICE, GUSTINE UNIFIED SCHOOL 26 DISTRICT, JASON SPAULDING, ANTHONY SOUZA, ADAM CANO, and CARL SCUDDER, 27 ("Defendants") through their counsel of record,	23	Rule 83-143, Plaintiff, JOHN ROE, a minor, by and through his Guardian ad Litem, SHEILA IRENE	
DISTRICT, JASON SPAULDING, ANTHONY SOUZA, ADAM CANO, and CARL SCUDDER, ("Defendants") through their counsel of record,	24	CALLAHAN, and Defendants, GOLDEN VALL	EY UNIFIED SCHOOL DISTRICT, TIMOTHY
27 ("Defendants") through their counsel of record,	25	HAYES, KULJEET MANN AND CHRIS IM	PERATRICE, GUSTINE UNIFIED SCHOOL
	26	DISTRICT, JASON SPAULDING, ANTHONY S	OUZA, ADAM CANO, and CARL SCUDDER,
28 ///	27	("Defendants") through their counsel of record,	
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STIPULATE AND AGREE AS FOLLOWS:

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1. On October 11, 2007 the Court entered a Scheduling Conference Order, which was later amended on August 19, 2008, and May 4, 2009, such that the following dates and deadlines in this matter are now in effect:

Discovery Deadline (non-expert): October 2, 2009

Expert Disclosure Deadline: August 28, 2009

Discovery Deadline (Expert): October 1, 2009

Non-Dispositive Motion Filing Deadline: September 2, 2009

Dispositive Motion Filing Deadline: April 30, 2009

Pre-trial Conference: October 5, 2009

Trial Date: November 3, 2009

- 2. The parties have worked together in a cooperative manner in conducting discovery in this matter. Depositions of IMPERATRICE, MANN and HAYES were taken in June and July 2008. The deposition of Plaintiff ROE and his Guardian and mother SHIELA CALLAHAN were taken in November 2008 in Arizona. It was agreed after the deposition of the Plaintiff that a mediation should be pursued. The above-named stipulating parties attended a Mediation on March 10, 2009. While significant progress was made, the matter was not resolved at mediation. At and after the mediation counsel for the above-named stipulating parties discussed that GUSTINE UNIFIED SCHOOL DISTRICT and CARL SCUDDER would be filing motions for summary judgment and agreed those motions would be filed by April 30, 2009, with the motions to be heard on June 30, 2009. The parties agreed to limit their discovery prior to the hearing on the dispositive motions to that necessary to support or oppose said motions. Accordingly, the motions for summary judgment were filed on April 30, 2009, and the only discovery conducted after the mediation has been the depositions of ADAM CANO and CARL SCUDDER, both coaches employed by GUSTINE UNIFIED SCHOOL DISTRICT at the time of the incident which is the subject of this suit, which depositions were taken by Plaintiff on June 23, 2009.
- 3. Prior to the deposition of defendant, Carl Scudder, on June 23, 2009, defendant, GOLDEN VALLEY UNIFIED SCHOOL DISTRICT, had produced in its Rule 26 disclosure a form

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of liability waivers to be signed by parents/students attending the football camp at issue in this case, but despite other discovery performed, there was no evidence prior to the deposition of Carl Scudder that plaintiff, John Roe, or his parents had signed such a liability waiver form. At the time of the deposition of defendant Carl Scudder on June 23, 2009, his counsel advised that it had just come to his attention that Mr. Scudder had, after leaving Gustine High as a teacher/coach, taken certain liability waiver forms with him and had been keeping those documents at his residence. On June 23, 2009, counsel for Carl Scudder for the first time produced a liability waiver form which was, in fact, signed by the parent of Plaintiff, John Roe. At that time counsel for Golden Valley Unified School District (of which Liberty High School is a part) advised all counsel that he would seeking to amend his answer to raise the liability waiver form as an affirmative defense and would seek relief extending the date for filing dispositive motions to allow Golden Valley Unified School District and its employees to file a motion for summary judgment based on this affirmative defense. The parties agreed that Golden Valley Unified School District and its employees should be allowed to amend its answer to raise the liability waiver as an affirmative defense and further agreed that, as set forth below, the date for filing dispositive motions should be extended and reset to allow Golden Valley Unified School District and its employees to file a motion for summary judgment

- 3. When the motions for summary judgment were filed on April 30, 2009, the hearing date was set for July 20, 2009. That date was continued by the court and the matter is now set for hearing on August 10, 2009. As set forth above, the present discovery deadline (Non-expert) is set for October 2, 2009. The parties believe that the present schedule does not allow adequate time for discovery. In discussions among counsel there was a general consensus that, in addition to any other discovery which may be needed, as many as 30 additional depositions may need to be taken after the court rules on the summary judgment motion and this discovery cannot be accomplished under the present schedule. Defendants believe that the discovery cutoff, trial and other pretrial dates should be continued as set forth below to allow for such discovery.
- 4 It is believed that the unrepresented, individual Defendants who are not named above do not have insurance coverage available to cover any judgment in this matter, and said unrepresented, individual Defendants have not attended any depositions, propounded any discovery

1	or otherwise participated in discovery to date, nor did they participate in the mediation on March 10,		
2	2009.		
3	4. The parties hereto believe that the interests of judicial economy and the interests of		
4	justice will best be served by the requested continuance of the trial and related dates as set forth		
5	below. Accordingly, in an effort to accomplish same, the parties stipulate and request that the		
6	discovery deadlines be extended to the following dates, unless different dates are agreed to by the		
7	parties in writing, and the motion, p	retrial and trial dates be contin	nued as follows:
8	Expert Disclosure Deadline:		September 27, 2009
9	Rebuttal or Supplemental Ex	xpert Disclosure Deadline:	October 27, 2009
10	Discovery Deadline (Expert	and non-expert):	November 27, 2009
11	Non-Dispositive Motion Fil	ing Deadline:	November 11, 2009 (To be
12			heard by court with motions in
13			limine.)
14	Dispositive Motion Filing D	eadline:	October 12, 2009
15	(GOLDEN VALLEY UNIFIED SCHOOL DISTRICT,		
16	TIMOTHY HAYES, KULJEET MANN and CHRIS		
17	IMPERATRICE, on liability waiver issue, only)		
18	Pre-trial Conference Date:	12:00 noon	December 18, 2009
19	Trial Date:	9:00 a.m.	January 20, 2010
20	5. The parties further agree	e and stipulate that GOLDEN	VALLEY UNIFIED SCHOOL
21	DISTRICT, TIMOTHY HAYES, KULJEET MANN and CHRIS IMPERATRICE may amend their		MPERATRICE may amend their
22	answer to include an additional affirmative defense based on the liability waiver form referred to		liability waiver form referred to
23	above.		
24	DATED: September 9, 2009. AUC	HARD & STEWART	
25	By	/s/ Paul Auchard	
26		/ s / Paul Auchard Paul Auchard Attorneys for Defendant, GO	LDEN VALLEY UNIFIED
27		SCHOOL DISTRICT, TIMO MANN AND CHRIS IMPER	OTHY HAYES, KULJEET
28	///		

1	DATED: September 9, 2009.	McCORMICK, BARSTOW, SHEPPARD,
2		WAYTE & CARRUTH LLP
3		By /s/ Mart B. Oller IV
4		Mart B. Oller IV Attorneys for Defendants, GUSTINE UNIFIED SCHOOL DISTRICT, JASON SPAULDING, ANTHONY SOUZA
5		and ADAM CANO
6 7	DATED: September 9, 2009.	TUTTLE & McCLOSKEY
8		
		By /s/ James McBrearty James McBrearty
9		Attorneys for CARL SCUDDER
10		
12	DATED: September 9, 2009.	ALLEN & FAGALDE, ALBERTONI & FLORES
13		
14		By /s/ Kimberly Flores Kimberly Flores
15		Attorneys for Plaintiff, JOHN ROE, by and through his Guardian ad Litem, SHEILA CALLAHAN
16	DATED. Contend on 0, 2000	D
17	DATED: September 9, 2009.	KYLE MATTHEW FISHER, aka KYLE SIMMONS, Pro Se
18	DATED: September 9, 2009.	,
19	DATED. September 7, 2007.	MICHAEL FISHER, aka MICHAEL SIMMONS, Pro Se
20	DATED: September 9, 2009.	,
21	,	JASON SIMMONS, Pro Se
22	DATED: September 9, 2009.	By
23	,	KELLY SIMMONS, Pro Se
24	DATED: September 9, 2009.	ByMATTHEW McKIMMIE, Pro Se
25	DATED: September 9, 2009.	By
26		MYRNA TYNDAL, Pro Se
27	DATED: September 9, 2009.	TOMMY SAN FELIPPO, Pro Se
28		

1 2	DATED: September 9, 2009. By	ro Se
3	DAMED G 1 . 0.2000 D	ro Se
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7	7	
8	8 IT IS SO ORDERED.	
9		ver W. Wanger
10	UNITED STATE	ver W. Wanger TES DISTRICT JUDGE
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