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16 MERCED IRRIGATION DISTRICT

17 **UNITED STATES DISTRICT COURT**
18 **Eastern District of California**
19 **Fresno Division**

21 LaMonte Tumbling,

22 Plaintiff,

23 vs.

24 Merced Irrigation District, a public entity,

25 Defendant.
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No. 1:08-CV-01801 LJO DLB

**JOINT STIPULATION AND ORDER TO
MODIFY THE PRE-TRIAL SCHEDULING
ORDER**

1 LaMonte Tumbling (“Plaintiff”) and Merced Irrigation District (“Defendant”), by and through
2 their respective attorneys of record, hereby stipulate and request the Court to modify the Pre-Trial
3 Scheduling Order as follows:

- 4 (a) Extend the completion date for the taking of non-expert depositions to December 15, 2009.
5 All other non-expert discovery will end on the currently scheduled deadline of October 30,
6 2009.
- 7 (b) Extend all other scheduling deadlines by 45 days including: deadline for disclosing initial and
8 supplemental experts; deadline for filing and hearing non-dispositive motions; deadline for
9 filing and hearing dispositive motions; date for pre-trial conference; and trial date. (Initial
10 Scheduling Order attached as Exhibit A).

11 Good cause exists to extend the initial Scheduling Order dates by 45 days in light of the October
12 13, 2009 order issued from this Court instructing Defendant to produce further documents to Plaintiff by
13 November 2, 2009. The extension of the identified dates will allow sufficient time for the parties to
14 review the forthcoming documents and engage in a more efficient and informed deposition process. An
15 order granting the requested extension will also allow both parties to better understand the true nature of
16 the supporting evidence underlying the allegations and defenses at issue in this case, which will be
17 significant in the formulation of opinions of the various experts, as well as the drafting and arguments
18 surrounding the dispositive motions. For these reasons, the parties respectfully request the Court modify
19 the Pre Trial Scheduling Order so that it conforms to the foregoing new dates:

- 20 (i) Non-expert depositions to be completed on or before December 15, 2009
21 (ii) Written disclosure of all expert witnesses to be submitted on or before January 18, 2010
22 (iii) All supplemental experts to be disclosed by February 18, 2010
23 (iv) Expert discovery will be completed on or before March 15, 2010
24 (v) All non-dispositive pre-trial motions shall be filed no later than April 2, 2010
25 (vi) All non-dispositive pre-trial motions shall be heard no later than April 26, 2010.
26 (vii) All dispositive pre-trial motions shall be filed no later than May 24, 2010
27 (viii) All oppositions to dispositive pre-trial motions shall be filed no later than June 21, 2010
28 (ix) All replies to dispositive pre-trial motions shall be filed no later than July 5, 2009
(x) All dispositive pre-trial motions shall be heard no later than July 16, 2010
(xi) The pre-trial conference date is now calendared for September 2, 2010

1 (xii) The trial date is now calendared for October 26, 2010*
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3 Date: October 16, 2009

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5 MURRAY & ASSOCIATES

DALEY & HEFT

6 /s/ Lawrence D. Murray

/s/ Neal S. Meyers

7 Lawrence D. Murray

Neal S. Meyers

8 Attorney for Plaintiff

Attorney for Defendant

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12 **ORDER ON STIPULATION FOR ORDER**

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14 HAVING READ AND CONSIDERED THE FOREGOING, and good cause appearing:

15 *Except that the trial date shall be November 8, 2010.
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19 IT IS SO ORDERED.

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21 Dated: October 23, 2009

/s/ Dennis L. Beck

UNITED STATES MAGISTRATE JUDGE