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15 **UNITED STATES DISTRICT COURT**
 16 **Eastern District of California**
 17 **Fresno Division**

18 LaMonte Tumbling,
 19 Plaintiff,
 20 vs.
 21 Merced Irrigation District, a public entity,
 22 Defendant.

No. 1:08-CV-01801 LJO DLB

**JOINT STIPULATION FOR EXTENSION OF
 LITIGATION DEADLINES AND
 SCHEDULING ORDER**

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1 LaMonte Tumbling (“Plaintiff”) and Merced Irrigation District (“Defendant”), by and through their
2 respective attorneys of record, hereby stipulate to and request the Court enter a scheduling order revising
3 the amended scheduling order entered by this court on October 23, 2009 (See Joint Stipulation and Order
4 attached as Exhibit A).

5 The revisions to the scheduling order are as follows:

6 (a) Extend the completion date for the taking of non-expert depositions by 60 days from
7 December 15, 2009 to February 15, 2010. (The deadline for all other non-expert discovery
8 expired on October 30, 2009.)

9 (b) Extend all other current scheduling deadlines by 60 days including: deadline for disclosing
10 initial and supplemental experts; deadline for filing and hearing non-dispositive motions;
11 deadline for filing and hearing dispositive motions; date for pre-trial conference; and trial date.

12 Good cause exists to extend the current litigation deadlines by 60 days in light of:

13 (a) The difficulty the parties are having scheduling depositions prior to the December 15, 2009
14 deadline. This difficulty is exacerbated by the fact that the parties entered the following
15 stipulation in their Joint Scheduling Report: “Depositions for . . . MID managers, supervisors
16 and decision makers two days per deponent, maximum of 7 hours per day.”;

17 (b) The pending holiday season; and

18 (c) The parties’ dispute over the deposition of defendant’s Person Most Knowledge on various
19 matters, which is the subject of a motion to be heard by this court on December 10, 2009.

20 An order granting the requested extension will also allow both parties to better understand the
21 true nature of the supporting evidence underlying the allegations and defenses at issue in this case, which
22 will be significant in the formulation of opinions of the various experts, as well as the drafting and
23 arguments surrounding the dispositive motions. For these reasons, the parties respectfully request the
24 Court modify the Pre Trial Scheduling Order so that it conforms to the foregoing new dates:

25 (i) Non-expert depositions to be completed on or before February 15, 2010.

26 (ii) Written disclosure of all expert witnesses to be submitted on or before March 19, 2010

27 (iii) All supplemental experts to be disclosed by April 19, 2010

28 (iv) Expert discovery will be completed on or before May 14, 2010

(v) All non-dispositive pre-trial motions shall be filed no later than June 1, 2010

(vi) All non-dispositive pre-trial motions shall be heard no later than June 25, 2010.

- 1 (vii) All dispositive pre-trial motions shall be filed no later than July 23, 2010
2 (viii) All oppositions to dispositive pre-trial motions shall be filed no later than August 20, 2010
3 (ix) All replies to dispositive pre-trial motions shall be filed no later than September 3, 2010.
4 (x) All dispositive pre-trial motions shall be heard no later than September 14, 2010
5 (xi) The pre-trial conference date is now calendared for November 1, 2010.
6 (xii) The trial date is now calendared for January 11, 2011.

7
8 Date: December 1, 2009

9 MURRAY & ASSOCIATES

DALEY & HEFT

10
11 /s/ Lawrence D. Murray
12 Lawrence D. Murray
13 Attorney for Plaintiff

/s/ Neal S. Meyers
Neal S. Meyers
Attorney for Defendant

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16 **ORDER ON STIPULATION FOR ORDER**

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

18 The foregoing is the order of the court.

19 IT IS SO ORDERED.

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21 Dated: December 2, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE