

Daley & Heft, LLP
Attorneys at Law
Neal S. Meyers, Esq. (SBN 109625)
Golnar J. Fozi, Esq. (SBN 167674)
Matthew T. Racine, Esq. (SBN 256865)
462 Stevens Avenue, Suite 201
Solana Beach, CA 92075
Telephone: (858) 755-5666
Facsimile: (858) 755-7870

Attorneys for Defendant,
MERCED IRRIGATION DISTRICT

Lawrence D. Murray (SBN 77536)
MURRAY & ASSOCIATES
1781 Union Street
San Francisco, CA 94123
Tel: (415) 673-0555
Fax: (415) 928-4084

Dean Gordon (SBN 61311)
LAW OFFICES OF DEAN GORDON
1220 East Olive Avenue
Fresno, CA 93728
Tel: (559) 221-7777
Fax: (559) 221-5812

Attorneys for Plaintiff,
RODRIGO FLORES

UNITED STATES DISTRICT COURT

EASTERN DISTRICT, FRESNO DIVISION

RODRIGO FLORES,) Case No. 1:09-CV-01529-LJO-DLB

Plaintiff,)

v.)

MERCED IRRIGATION DISTRICT, a)
public entity, DAN POPE, and ROBERT)
BLUM,)

Defendants.)

**JOINT STIPULATION TO RE-OPEN
NON-EXPERT DISCOVERY FOR
DEPOSITION OF CONNIE PERAINO.
Fed. R. Civ. P. 16(b)(4)**

JUDGE: Lawrence J. O'Neill
COURTROOM: 9
MAGISTRATE: Dennis L. Beck

Merced Irrigation District ("Defendant") and Rodrigo Flores ("Plaintiff"), by and through their respective attorneys of record, hereby stipulate to and request the Court enter an order re-opening non-expert discovery for the limited purpose of permitting defendant to take the deposition of Connie Peraino.

1 Plaintiff first disclosed Connie Peraino as a witness after it was learned she could provide
2 relevant testimony, but after the discovery cut-off date. Defendant believes it will be prejudiced
3 without the ability to take Ms. Peraino's deposition before trial. The parties have met and
4 conferred and, rather than pursue motion work related to this issue, have agreed to allow defendant
5 to depose Ms. Peraino on or before February 15, 2011.

6 The parties agree the removal of any prejudice to defendant by this late-disclosure of Ms.
7 Peraino is good cause to modify the scheduling order under Fed. R. Civ. P. 16(b)(4) to re-open
8 discovery for the limited purpose of taking the deposition of Ms. Peraino.

9 Therefore, the parties move this court for an order as follows: Non-expert discovery is re-
10 opened for the limited purpose of permitting defendant to take the deposition of Connie Peraino
11 on or before February 15, 2011.

12 Dated: January 12, 2011

Daley & Heft, LLP

13 By: /s/ Matthew T. Racine

14 NEAL S. MEYERS

GOLNAR J. FOZI

MATTHEW T. RACINE

15 Attorneys for Defendant,

16 MERCED IRRIGATION DISTRICT

17 Dated: January 12, 2011

MURRAY & ASSOCIATES

18 By: /s/ Robert Strickland

19 LAWRENCE D. MURRAY

20 ROBERT STRICKLAND

Attorney for Plaintiff,

21 RODRIGO FLORES

22
23 **ORDER ON STIPULATION FOR ORDER**

24 HAVING READ AND CONSIDERED THE FOREGOING, and good cause appearing:
25 The foregoing is the order of the court.

26 IT IS SO ORDERED.

27 Dated: January 13, 2011

/s/ Dennis L. Beck

28 UNITED STATES MAGISTRATE JUDGE