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6 Attorneys for Defendants CITY OF FRESNO, CHIEF JERRY DYER, OFFICER GREG CATTON
7 and OFFICER DANIEL ASTACIO

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 CHRIS WILLIS, MARY WILLIS,) CASE NO. 1:09-CV-01766-LJO-DLB
12 INDIVIDUALLY AND SUCCESSORS IN)
INTEREST TO STEPHEN WILLIS;)
13 JENNAFER URIBE,) STIPULATION AND ORDER EXTENDING
DISCOVERY DEADLINES
14 Plaintiffs,)
15 vs.)
16 CITY OF FRESNO, OFFICER GREG)
CATTON, OFFICER DANIEL ASTACIO,)
17 CHIEF JERRY DYER, and DOES 1 through) Complaint Filed: 10/07/09
50 inclusive,) Trial Date: 09/12/11
18 Defendants.)
19 _____)

20 It is hereby stipulated between the parties, through their respective counsel, that the
21 discovery deadlines and dispositive and non-dispositive motion filing deadline be rescheduled.
22 Good cause exists for extending these dates as explained below.

23 The defense of this file has been handled almost exclusively by Rosemary T. McGuire, who
24 has just recently been appointed as a Superior Court Judge in the Fresno Superior Court. The file
25 is now being handled by James D. Weakley. Prior to Ms. McGuire's leaving the law firm
26 numerous depositions were taken and written discovery exchanged. The current discovery cut-off
27 date is January 28, 2011. Nearly twenty depositions are being set during the month of January;
28 however, because of scheduling difficulties some of the depositions may not be completed until

1 after the current discovery cut-off.

2 Plaintiffs' counsel has recently made a settlement demand, which resulted in the parties
3 discussing settlement possibilities. All parties would like to explore settlement before engaging in
4 further expensive discovery including expert discovery. Any settlement demand or tentative
5 settlement agreement needs to be discussed with Fresno City Counsel, which cannot happen until
6 late in January 2011, at the earliest.

7 James Weakley is scheduled to begin a trial entitled *Aguilar v. County of Fresno*, U.S.D.C
8 Case No. 1:08-cv-01202-OWW-GSA with Judge Wanger beginning February 22, 2011. Mr.
9 Weakley understands that, because another trial with Judge Wanger is scheduled for same time, the
10 *Aguilar* trial may double track, which may extend the anticipated duration of the trial.

11 Additionally, this Court recently granted an extension of the discovery deadlines.
12 However, at that time Ms. McGuire was handling the defense and was unaware that she would be
13 receiving the judicial appointment. Based on the above, the parties request the Scheduling Order
14 be modified to reflect the following:

	CURRENT	NEW
15		
16	Discovery Deadline:	January 28, 2011
17	Expert Disclosure:	February 18, 2011
18	Suppl. Expert Disclosure:	March 4, 2011
19	Expert Discovery Deadline:	March 18, 2011
20	Dispositive & Non-Dispositive	
21	Motion Filing Deadline:	April 6, 2011
		March 31, 2011
		April 15, 2011
		April 29, 2011
		May 31, 2011

22 The parties request that the pretrial conference and trial date remain as currently scheduled:
23 July 26, 2011 and September 12, 2011, respectively.

24 **IT IS SO STIPULATED:**

25 DATED: January 6, 2011 WEAKLEY & ARENDT, LLP

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27 By: /s/ James D. Weakley
James D. Weakley
28 Attorneys for Defendants

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DATED: January 6, 2011

WALTER, HAMILTON & KOENIG, LLP

By: /s/ Walker Walker
Walter Walker
Attorneys for Plaintiff

IT IS SO ORDERED.

Dated: January 6, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE