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(SPACE BELOW FOR FILING STAMP ONLY)

6 Attorneys for Defendants  
7 SOUTH FORK UNION SCHOOL DISTRICT;  
ROBIN SHIVE; SHANNON DAMRON; KAREN  
8 ZURIN; and SABINE MIXION

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA  
11 FRESNO DIVISION

12 GRACIE DARLENE MCCUE,  
13 LAWRENCE GENE MCCUE, and P.M.,  
by and through his Guardian Ad Litem,  
14 GRACIE DARLENE MCCUE,

15 Plaintiffs,

16 v.

17 SOUTH FORK UNION SCHOOL  
DISTRICT, a public entity; ROBIN  
18 SHIVE, a public employee; SHANNON  
DAMRON, a public employee; KAREN  
19 ZURIN, a public employee, SABINE  
MIXION, a public employee; KERN  
20 COUNTY; CHILD PROTECTIVE  
SERVICES aka KERN COUNTY CHILD  
21 PROTECTIVE SERVICES aka KERN  
COUTY DEPARTMENT OF HUMAN  
22 SERVICES, a public entity; LINDA  
LOPEZ, a public employee; GABRIELA  
23 JOHNSON, a public employee; KERN  
COUNTY SHERIFFS DEPARTMENT, a  
24 public entity; JAMES D. STRATTON, a  
public employee; RICK KOERNKE, an  
25 individual; SANDY KOERNKE, an  
individual; AND PERSONS AND  
26 ENTITIES UNKNOWN AND DOES 1-  
100 INCLUSIVE,

27 Defendants.  
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Case No. 1:10-CV-00233-LJO-MJS

**STIPULATION AND ORDER  
EXTENDING THE DEADLINES IN  
AMENDED SCHEDULING CONFERENCE  
ORDER (DOC NO. 78)**

1 The parties hereto, after conferring through their respective attorneys of record, stipulate  
2 and agree, in the above-entitled matter, to the following date changes:

3 As the parties have been unable to complete discovery due to the calendars of the  
4 attorneys and the volume of discovery required in this litigation, good cause under Federal Rule  
5 of Civil Procedure Rule 16 exists for the modification of the scheduling order. Despite the  
6 diligence of the parties, it will not be possible to complete the discovery necessary according to  
7 the currently scheduled dates. Specifically, there are over forty depositions still to be taken in this  
8 litigation, including at least twenty-nine of healthcare providers who have proven difficult to  
9 schedule, serve or otherwise accommodate for deposition. Since deposition discovery began in  
10 this case, over fifteen depositions have been taken to date. Another thirty-two depositions have  
11 already been noticed for dates between January 16, 2012 and the current non-expert discovery  
12 cut-off of March 15, 2012. These depositions include those of the plaintiffs and numerous  
13 healthcare providers, which will likely lead to the identification of additional witnesses and the  
14 need for additional depositions. In part resulting from the schedules of many of these healthcare  
15 providers, it will not be possible to complete discovery under the currently scheduled deadlines.  
16 Moreover, there are additional parties and witnesses who have been disclosed in Rule 26  
17 disclosures whose depositions have not yet been scheduled, and given the availability of the  
18 attorneys, it will not be possible to complete these depositions under the currently scheduled  
19 deadlines.

20 The parties, therefore, stipulate and agree that the Trial date, Pre-Trial date, Settlement  
21 Conference date and other deadlines previously set by this Court be extended as follows:

- 22 (1) That the Non-Expert Discovery Cut-Off date be extended to July 15, 2012; and
- 23 (2) That the Expert Discovery Cut-Off be extended to August 7, 2012; and
- 24 (3) That the Non-Dispositive Pretrial Motion Cut-Off be extended to August 25, 2012;
- 25 (4) That the deadline for the filing of Dispositive Motions be continued to August 30,  
26 2012;
- 27 (5) That the hearings on Dispositive Motions take place on September 30, 2012, or  
28 another date convenient with the Court's calendar;

1 (6) That the Settlement Conference be continued to October 26, 2012, at 1:30 p.m., or  
2 another date convenient with the Court's calendar.

3 (6) That the Pre-Trial Conference be continued to December 17, 2012, at 11:00 a.m., or  
4 another date convenient with the Court's calendar;

5 (7) That the Trial of this matter be continued to January 28, 2013, at 9:00 a.m., or another  
6 date convenient with the Court's calendar.

7 The parties further stipulate that these extensions and continuances are necessary given  
8 the volume of discovery remaining in this litigation despite the diligence of the parties, the  
9 schedules of the five trial attorneys, two for plaintiff and one each for each set of Defendants, and  
10 the lack of time remaining pursuant to the Amended Scheduling Conference Order.

11 **THE PARTIES HEREBY STIPULATE TO THE ABOVE.**

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1 Dated: January 24, 2012

LAW OFFICES OF ROBERT R. POWELL

2 /s/ Robert R. Powell

3 Robert R. Powell, Esq.  
Attorneys for Plaintiffs

4 Dated: January 24, 2012

McCORMICK, BARSTOW, SHEPPARD  
WAYTE & CARRUTH LLP

6 /s/ Anil Pai

7 Anil Pai  
Attorneys for Defendants, SOUTH FORK  
8 UNION SCHOOL DISTRICT; ROBIN  
SHIVE; SHANNON DAMRON; KAREN  
9 ZURIN; and SABINE MIXION

10 Dated: January 23, 2012

NORIEGA & ASSOCIATES

11 /s/ Robert Noriega

12 Robert J. Noriega  
Attorneys for Defendants RICK KOERNKE,  
13 SANDY KOERNKE

14 Dated: January 24, 2012

COUNTY OF KERN

15 /s/ Mark Nations

16 Mark Nations, Chief Deputy  
Attorneys for Defendant COUNTY OF KERN

18 **ORDER**

19 The Court hereby orders that the terms of the above stipulation be put into effect with the  
20 following dates:

- 21 (1) Non-Expert Discovery Cut-Off: July 15, 2012;
- 22 (2) Expert Discovery Cut-Of: August 7, 2012;
- 23 (3) Non-Dispositive Pretrial Motion Cut-Off: August 25, 2012;
- 24 (4) Deadline for the filing of Dispositive Motions: August 30, 2012;
- 25 (5) Hearings on Dispositive Motions: September 30, 2012;
- 26 (6) Settlement Conference: October 26, 2012, at 1:30 p.m.;
- 27 (7) Pre-Trial Conference: December 18, 2012, at 8:15 a.m.;

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(8) Trial: January 29, 2013, at 8:30 a.m.

The parties are reminded that the caseload facing the District Court Judges sitting in this division of the Eastern District of California is overwhelming. While that may have enabled liberality in approving the time extensions provided for here, it may preclude flexibility in the future. If flexibility and/or a committed, reasonably early, trial date are important to the parties, they might wish to reconsider and consent to Magistrate Judge Jurisdiction.

IT IS SO ORDERED.

Dated: January 30, 2012

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE