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6 Attorneys for Defendants, COUNTY OF STANISLAUS; Sheriff ADAM CHRISTIANSON,
 7 in his individual capacity; SGT. CHAD BLAKE; DEPUTY GARY LAKE; DEPUTY
 8 ADAM VOORTMAN; DEPUTY SHAUN MURPHY; DEPUTY BRIAN MUNGUIA;
 9 DEPUTY SANTOS DE LOS SANTOS; DEPUTY RICHARD AZIZ; and DEPUTY JOHN
 10 BOY PALARCA

11 **UNITED STATES DISTRICT COURT**
 12 **EASTERN DISTRICT OF CALIFORNIA**

13 RACHEL PRESCOTT, individually and
 14 as Guardian Ad Litem for minor plaintiffs
 15 A.P., C.P., R.P., T.P., Y.P., and M.P.; and
 16 MARILYN PRESCOTT,
 17 Plaintiffs,

Case No. 1:10-CV-00592-OWW-JLT

**STIPULATION AND ORDER TO
 MODIFY PRETRIAL SCHEDULING
 ORDER**

16 vs.
 17 v. COUNTY OF STANISLAUS, Sheriff
 18 ADAM CHRISTIANSON, in his
 19 individual capacity; CALIFORNIA
 20 FORENSIC MEDICAL GROUP, INC.,
 21 Sgt. CHAD BLAKE; Deputy GARY
 22 LAKE; Deputy ADAM VOORTMAN;
 23 Deputy SHAUN MURPHY; Deputy
 24 BRIAN MUNGUIA; Deputy SANTOS
 25 DE LOS SANTOS; Deputy RICHARD
 26 AZIZ; Deputy JOHN BOY PALARCA;
 27 PATRICIA SPURGEON, R.N.;
 28 AMANDA GIBSON, F.N.P.; DR. JOHN
 BAKER.

Complaint Filed: 04/06/2010
 First Amd Compl. Filed: 04/19/2011
 Trial: 03/06/2012

Defendants. /

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1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs RACHEL
2 PRESCOTT, A.P., C.P., R.P., T.P., Y.P., M.P. and MARILYN PRESCOTT, and Defendants
3 COUNTY OF STANISLAUS, Sheriff ADAM CHRISTIANSON, Sgt. CHAD BLAKE,
4 Deputy GARY LAKE, Deputy ADAM VOORTMAN, Deputy SHAUN MURPHY, Deputy
5 BRIAN MUNGUIA, Deputy SANTOS DE LOS SANTOS, Deputy RICHARD AZIZ,
6 Deputy JOHN BOY PALARCA, CALIFORNIA FORENSIC MEDICAL GROUP, INC.
7 PATRICIA SPURGEON, AMANDA GIBSON, and DR. JOHN BAKER, by through their
8 undersigned Counsel, pursuant to USDC EDCA Local Rules 83-143 and 6-144 (d) as
9 follows:

10 1. The parties respectfully request that the District Court modify the Pre-Trial
11 Scheduling Order to allow sixty (60) additional days for the scheduling of deadlines, the
12 Final Pretrial Conference, and Trial based on good cause appearing therefor as more fully
13 set forth below.

14 2. This action arises out of alleged violations of Plaintiffs' federal civil rights and
15 state law claims against Defendants in connection with the death of Plaintiffs' decedent,
16 Craig Prescott.

17 3. The parties have been diligent in their efforts to litigate this case. Counsel for
18 for the County Defendants have served written discovery, including Interrogatories and
19 Requests for Production of Documents. Counsel for the CFMG Defendants have also served
20 Requests for Production of Documents. Depositions are scheduled for May 5, 2011, June
21 14, 2011, and June 16, 2011.

22 4. On April 19, 2011, the Complaint was amended to name eleven additional
23 defendants. Based on the large number of defendants being added less than three and a half
24 months before the close of discovery, all parties anticipate the need to extend discovery
25 deadlines and continue the trial date in order to serve additional written discovery, conduct
26 depositions, and subpoena records. Moreover, the newly-named defendants will be
27 prejudiced if additional time for discovery is not permitted.

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1 5. In addition, the parties have met and conferred and tentatively agreed to engage
2 in early mediation. Modification of the Pre-Trial Scheduling Order will permit additional
3 time for discovery following mediation, if necessary.

4 6. Presently, non-expert discovery is scheduled to be completed on July 30, 2011,
5 Expert Disclosures with reports are due to be served August 30, 2011, Expert Discovery cut
6 off is October 1, 2011, Last day to File Dispositive Motions is November 14, 2011 with
7 hearing date of December 12, 2011, Final Pre Trial Conference is January 23, 2012, and the
8 Trial is presently scheduled to commence on March 6, 2012.

9 7. Based on the fact that eleven defendants have been added, this is a complex
10 case, and there is a large amount of discovery that remains to be completed, such as
11 conducting depositions and subpoenaing records, the parties request the trial date be
12 continued and the Pre-Trial Scheduling order be modified accordingly. The parties have not
13 sought any prior modifications.

14 Therefore, the parties respectfully submit that good cause exists to amend the Pre-
15 Trial Scheduling Order and therefore request modification of the Pre-Trial Scheduling Order,
16 as follows:

17 Last Day to Complete Non-Expert Discovery	September 30, 2011
18 Last Day to Disclose Expert Witnesses	October 21, 2011
19 Last Day to Disclose Supplemental/Rebuttal Experts	November 18, 2011
20 Last Day to Complete Expert Discovery	December 23, 2011
21 Last Day to File Non-Dispositive Motions	December 30, 2011
22 Settlement Conference	January 13, 2012
23 Last Day to Hear Non-Dispositive Motions	January 27, 2012
24 Last Day to File Dispositive Motions	January 23, 2012
25 Last Day to Hear Dispositive Motions	February 20, 2012
26 Final Pre-Trial Conference	April 2, 2012
27 Trial	May 15, 2012

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1 IT IS FURTHER STIPULATED and AGREED between the parties that all other
2 provisions of the Pre-Trial Scheduling Order of November 4, 2010 shall remain in effect.
3 This Stipulation may be signed in counterparts and any facsimile or electronic signature shall
4 be as valid as an original signature.

5 IT IS SO STIPULATED.

6 Respectfully submitted,

7 DATED: May 19, 2011

LAW OFFICES OF JOHN L. BURRIS

8
9 By /s/ Steven R. Yourke

John L. Burris
Steven R. Yourke
Attorneys for Plaintiffs
RACHEL PRESCOTT, A.P., C.P., R.P.,
T.P., Y.P., M.P., and MARILYN
PRESCOTT
(As Authorized on 5/19/11)

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12
13 DATED: May 19, 2011

PORTER SCOTT
A Professional Corporation

14
15 By /s/ Terence J. Cassidy

Terence J. Cassidy
Kristina M. Hall
Ashley M. Wisniewski
Attorney for Defendants
COUNTY OF STANISLAUS; SHERIFF
ADAM CHRISTIANSON; SGT. CHAD
BLAKE; DEPUTY GARY LAKE;
DEPUTY ADAM VOORTMAN;
DEPUTY SHAUN MURPHY; DEPUTY
BRIAN MUNGUA; DEPUTY SANTOS
DE LOS SANTOS; DEPUTY RICHARD
AZIZ; and DEPUTY JOHN BOY
PALARCA

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23 DATED: May 19, 2011

TRIMBLE, SHERINIAN & VARANINI

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25 By /s/ Jerome M. Varanini

Jerome M. Varanini
Attorney for Defendants
CALIFORNIA FORENSIC MEDICAL
GROUP, INC. PATRICIA SPURGEON,
AMANDA GIBSON, and DR. JOHN
BAKER
(As Authorized on 5/9/11)

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ORDER

Having reviewed the above stipulation and good cause appearing therefor, IT IS
HEREBY ORDERED that the Pre-Trial Scheduling Order of November 4, 2010, be modified
with the new schedule as set forth above.

IT IS SO ORDERED.

Dated: May 19, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE