

P O R T E R | S C O T T

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

RACHEL PRESCOTT, individually and as Guardian Ad Litem for minor plaintiffs A.P., C.P., R.P., T.P., Y.P., and M.P.; and MARILYN PRESCOTT,

Plaintiffs,

vs.

v. COUNTY OF STANISLAUS, Sheriff ADAM CHRISTIANSON, in his individual capacity; CALIFORNIA FORENSIC MEDICAL GROUP, INC., Sgt. CHAD BLAKE; Deputy GARY LAKE; Deputy ADAM VOORTMAN; Deputy SHAUN MURPHY; Deputy BRIAN MUNGUIA; Deputy SANTOS DE LOS SANTOS; Deputy RICHARD AZIZ; Deputy JOHN BOY PALARCA; PATRICIA SPURGEON, R.N.; AMANDA GIBSON, F.N.P.; DR. JOHN BAKER.

Defendants.

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

STIPULATION AND [PROPOSED] ORDER TO MODIFY PRETRIAL SCHEDULING ORDER

Complaint Filed: 04/06/2010
First Amd Compl. Filed: 04/19/2011
Trial: 05/15/2012

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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. and
7 DR. JOHN BAKER, by through their undersigned Counsel, pursuant to USDC EDCA Local
8 Rules 83-143 and 6-144 (d) as follows:

9 1. This action arises out of alleged violations of Plaintiffs' federal civil rights and
10 state law claims against Defendants in connection with the death of Plaintiffs' decedent,
11 Craig Prescott.

12 2. The parties have been diligent in their efforts to litigate this case.
13 Approximately thirty depositions and written discovery has occurred. The large number of
14 defendants and percipient witnesses, combined with multiple calendaring conflicts of the
15 parties' respective counsel and the witnesses, have prevented the parties from either
16 completing all discovery to allow sufficient time for the parties' respective retained expert
17 witnesses to process the sheer volume of information prior to the disclosure deadline. In
18 addition, in preparing to conduct depositions of expert witnesses, together with the fact that
19 expert witnesses are located in various wide-spread locations, and the number of expert
20 witnesses that will be likely be utilized, counsel for the parties in good faith believe that
21 additional time will be needed in order complete expert discovery.

22 3. Therefore, the parties respectfully submit that good cause exists to amend the
23 Pre-Trial Scheduling Order and therefore request modification of the Pre-Trial Scheduling
24 Order, as follows:

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26	Last Day to Disclose Expert Witnesses	November 30, 2011
27	Last Day to Disclose Supplemental/Rebuttal Experts	December 20, 2011
28	Last Day to Complete Expert Discovery	January 31, 2012

1	Last Day to File Non-Dispositive Motions	December 30, 2011 (unchanged)
2	Last Day to Hear Non-Dispositive Motions	January 27, 2012 (unchanged)
3	Last Day to File Dispositive Motions	February 10, 2012
4	Last Day to Hear Dispositive Motions	March 12, 2012
5	Final Pre-Trial Conference	April 16, 2012
6	Trial	May 15, 2012 (unchanged)

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

11 IT IS SO STIPULATED.

12 Respectfully submitted,
13 DATED: November 9, 2011 LAW OFFICES OF JOHN L. BURRIS
14
15 By /s/ Steven R. Yourke
16 John L. Burris
17 Steven R. Yourke
18 Attorneys for Plaintiffs
19 RACHEL PRESCOTT, A.P., C.P., R.P.,
20 T.P., Y.P., M.P., and MARILYN
21 PRESCOTT
22 (As Authorized on 11/09/11)

19 DATED: November 9, 2011 PORTER SCOTT
20 A Professional Corporation
21
22 By /s/ John R. Whitefleet
23 Terence J. Cassidy
24 John R. Whitefleet
25 Attorneys for Defendants
26 COUNTY OF STANISLAUS; SHERIFF
27 ADAM CHRISTIANSON; SGT. CHAD
28 BLAKE; DEP. GARY LAKE; DEP. ADAM
VOORTMAN; DEP. SHAUN MURPHY;
DEP. BRIAN MUNGUA; DEP. SANTOS
DE LOS SANTOS; DEP. RICHARD AZIZ;
and DEP. JOHN BOY PALARCA

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DATED: November 9, 2011

TRIMBLE, SHERINIAN & VARANINI

By /s/ Jerome M. Varanini
Jerome M. Varanini
Attorney for Defendants
CALIFORNIA FORENSIC MEDICAL
GROUP, INC. and DR. JOHN BAKER
(As Authorized on 11/09/11)

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: November 9, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE