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

TINA PEREZ, et al.,

CASE NO. 1:10-cv-01094-AWI-SKO

Plaintiffs,

**ORDER DENYING STIPULATED  
REQUEST TO MODIFY THE  
SCHEDULING ORDER**

v.

(Docket No. 23)

STATE OF CALIFORNIA, et al.,

Defendants.

On November 17, 2011, the parties filed a request to modify the scheduling order so that they would have additional time to complete discovery due to Plaintiffs' difficulty in setting up a deposition of a correctional officer who shot decedent Manual Yanis. The correctional officer has been out of work on extended medical leave. As such, the parties request the following changes:

	<u>Deadline</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
1.	<b>Non-Expert Discovery</b>	<b>November 15, 2011</b>	<b>December 15, 2011</b>
2.	<b>Expert Disclosure</b>	<b>November 18, 2011</b>	<b>December 18, 2011</b>
3.	<b>Supp. Exp. Discl.</b>	<b>December 2, 2011</b>	<b>January 2, 2012</b>
4.	<b>Exp. Discovery</b>	<b>January 6, 2012</b>	<b>February 5, 2012</b>
5.	<b>Non-Disp. Filing Deadline</b>	<b>January 13, 2012</b>	<b>February 12, 2010</b>
6.	<b>Disp. Mot. Filing Deadline</b>	<b>March 3, 2012</b>	<b>April 3, 2012</b>

1 The parties request no change to the date of the pretrial conference (June 6, 2012) and the trial date  
2 (July 30, 2012).

3 The parties request a dispositive motion filing deadline of April 3, 2012. Pursuant to Local  
4 Rule 230(b), the parties must provide at least a twenty-eight (28) day notice after service and filing  
5 of a motion before the motion can be heard. Further, Chief District Judge Ishii schedules civil  
6 motions for hearing on Mondays. As such, the proposed dispositive motion filing deadline of April  
7 3, 2012, means that the earliest date a motion could be heard is Monday, May 7, 2012. The proposed  
8 filing deadline does not leave sufficient time between a dispositive motion hearing date and the  
9 pretrial conference date of June 6, 2012, for the Court to consider and make a determination on any  
10 motions before the Court.

11 The Court is willing to accommodate the parties' request for a modified schedule, but cannot  
12 adopt the dates proposed in the stipulation. If the parties wish to re-file their request for an extension  
13 of the schedule, they should propose dates that maintain at least seven (7) weeks between the hearing  
14 date for the dispositive motions and the pretrial conference *and* at least eight (8) weeks between the  
15 date of the pretrial conference and the date of the trial.

16  
17 IT IS SO ORDERED.

18 **Dated:** November 22, 2011

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE