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13 **UNITED STATES DISTRICT COURT**  
14 **EASTERN DISTRICT OF CALIFORNIA**  
15 **FRESNO DIVISION**

16 KEVIN SIMMONS,  
17  
18 Plaintiff,  
19  
20 v.

21 RITE OF PASSAGE ATHLETIC TRAINING  
22 CENTERS AND SCHOOLS, a Nevada  
23 Corporation; DAVID HARPER, an Individual;  
24 STEVEN ISBELL, an Individual; ANGELA  
25 ECKHARDT, an individual; and DOES 1  
26 through 99, Inclusive,  
27  
28 Defendants.

1:10-CV-01331-LJO-GSA

**STIPULATED AGREEMENT TO  
AMEND SCHEDULING ORDER**

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29 Subject to the approval of this Court, the parties hereby stipulate to the following  
30 amendment to the Scheduling Order entered on January 11, 2011:

31 1. The intent of the parties, being Plaintiff Kevin Simmons and Defendants  
32 Rite of Passage A.T.C.S., Inc., David Harper, Steven Isbell, and Angela Eckhardt, in  
33 this action is to enlarge the time for completing certain necessary tasks in the course of  
34 the litigation. Therefore, the parties agree to amend the scheduling order entered

1 January 11, 2011. The following dates for completing disclosures, completing discovery,  
2 and filing dispositive and non-dispositive motions in the case are proposed:

- 3 a. The parties shall submit disclosures of expert witness information, to  
4 include reports as required pursuant to Federal Rules of Civil Procedure rule  
5 26(a)(2)(B) no later than Thursday, November 17, 2011.
- 6 b. The parties shall complete discovery no later than February 9, 2012.
- 7 c. All non-dispositive motions shall be filed by March 1, 2012, and be heard  
8 by April 5, 2012.
- 9 d. All dispositive motions shall be filed by March 8, 2012, and be heard by  
10 April 12, 2012.
- 11 e. Settlement Conference shall be held on April 26, 2012.
- 12 f. The Pre-trial Conference is set for May 21, 2012.
- 13 2. All other scheduled dates set pursuant to the Court's scheduling order

14 shall remain unchanged.

15 SO STIPULATED:

16 DATED: 11/2/11

17 \_\_\_\_\_/s/ Marc Hartley \_\_\_\_\_  
18 Marc Hartley, Attorney for Plaintiff

19 DATED: 11/3/11

20 \_\_\_\_/s/ Michael J. Baytosh\_\_\_\_\_  
21 Michael J. Baytosh, Attorney for  
22 Defendants

23 **ORDER**

24 The stipulation filed December 13, 2011 (Doc.28-1) is hereby **ADOPTED IN**  
25 **PART** and **MODIFIED IN PART**, as follows:

- 26 a. The disclosures of expert witness information deadline of November 17,  
27 2011, is ADOPTED *nunc pro tunc*.
- 28 b. The parties shall complete discovery no later than February 9, 2012.
- c. All non-dispositive motions shall be filed by March 1, 2012, and be heard  
by April 5, 2012.

1 d. All dispositive motions shall be filed by March 8, 2012, and be heard by  
2 April 12, 2012.

3 e. The Settlement Conference shall be held on **March 5, 2012, at 10:00 a.m.**  
4 **before Magistrate Judge Gary S. Austin in Courtroom 10.**

5 f. The Pre-trial Conference is set for **Tuesday, May 22, 2012, at 8:15 a.m.**  
6 **before the Honorable Lawrence J. O'Neill in Courtroom 4.**

7 The **jury trial shall commence on Tuesday, July 31, 2012, at 8:30 a.m. before**  
8 **the Honorable Lawrence J. O'Neill in Courtroom 4.**

9 2. All other scheduled dates set pursuant to the Court's scheduling order  
10 shall remain unchanged.

11  
12  
13 IT IS SO ORDERED.

14 Dated: **December 15, 2011**

**/s/ Gary S. Austin**  
15 UNITED STATES MAGISTRATE JUDGE