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22 *Attorneys for Defendants*

23 UNITED STATES DISTRICT COURT  
24 EASTERN DISTRICT OF CALIFORNIA

25 RAYMOND GUTHREY,  
26  
27 Plaintiff,  
28 vs.

29 CALIFORNIA DEPARTMENT OF  
30 CORRECTIONS AND REHABILITATION,  
31 MICHAEL PATE, JR., and DOES 1  
32 THROUGH 25, Inclusive,  
33  
34 Defendants.

) **1:10-cv-02177-AWI-BAM**

) **JOINT STIPULATION AND ORDER TO**  
) **CONTINUE PRETRIAL AND TRIAL**  
) **DEADLINES**

1 IT IS HEREBY STIPULATED between Raymond Guthrey, by and through his attorney,  
2 Shannon Seibert, and California Department of Corrections and Rehabilitation and Michael Pate, Jr.,  
3 by and through their attorney, Michael Gowe, Deputy Attorney General, that GOOD CAUSE exists  
4 and the parties request that the Court continue the pretrial and trial deadlines based on the following:

5 1. The complaint in this matter filed on November 19, 2010 and the case was assigned  
6 to Hon. Oliver W. Wanger. The pre-trial and trial deadlines were established in Hon. Wanger's  
7 Scheduling Order filed on May 20, 2011.

8 2. Counsel for the parties exchanged initial disclosures on June 2, 2011 and served  
9 discovery requests in June and August 2011. Plaintiff's deposition was taken on September 20,  
10 2011. Defendant Pate's deposition was scheduled to take place in October 2011 following Plaintiff's  
11 receipt of Defendants' discovery responses.

12 3. On September 27, 2011, defense counsel assigned to this matter, Deputy Attorney  
13 General Jeffrey Schwarzschild, left the employment of the Attorney General's office, and the matter  
14 was transferred to Deputy Attorney General Michael Gowe.

15 4. Defendants had not served their discovery responses before Mr. Schwarzschild's  
16 departure. The parties agreed to extend the time for Defendants' discovery responses to allow  
17 defense counsel to become familiar with the facts of the case.

18 5. Each of the parties has now responded to the initial round of discovery requests of the  
19 other, though matters remain in dispute regarding Plaintiff's requests and Defendants' responses.  
20 The parties have engaged in lengthy meet and confer efforts and are working together toward  
21 resolution of the disputed matters. The parties have agreed upon the entry of a protective order,  
22 which the parties will submit for the Court's approval by January 27, 2012, to protect sensitive  
23 information that is responsive to Plaintiff's disputed requests. The parties will schedule the  
24 depositions of Defendant Pate and other witnesses upon resolution of the disputed matters and  
25 expect that all depositions will be completed by May 2012.

26 6. An Early Settlement Conference that was scheduled for January 18, 2012 has been  
27 continued at the request of the parties. Counsel for the parties remain in agreement that a settlement  
28 conference will be beneficial to the parties but believe that it will be more productive after the  
deposition of Defendant Pate and the receipt by Plaintiff of additional discovery responses.

1           Based on the foregoing, the parties respectfully request that this Court continue the pretrial  
2 and trial deadlines in the following manner:

3           **1. Non-Expert Discovery Cutoff**

- 4           a. Current: January 31, 2012  
5           b. Proposed: July 31, 2012

6           **2. Expert Disclosures**

- 7           a. Current: February 29, 2012  
8           b. Proposed: August 31, 2012

9           **3. Rebuttal Expert Disclosures**

- 10           a. Current: March 30, 2012  
11           b. Proposed: October 1, 2012

12           **4. Discovery Cutoff**

- 13           a. Current: April 29, 2012  
14           b. Proposed: October 31, 2012

15           **5. Non-Dispositive Motion Filing**

- 16           a. Current: May 15, 2012  
17           b. Proposed: November 15, 2012

18           **6. Non-Dispositive Motion Hearing**

- 19           a. Current: June 15, 2012  
20           b. Proposed: December 14, 2012 at 9:30 a.m. before Judge McAuliffe

21           **7. Dispositive Motion Filing**

- 22           a. Current: May 30, 2012  
23           b. Proposed: November 30, 2012

24           **8. Dispositive Motion Hearing**

- 25           a. Current: July 2, 2012  
26           b. Proposed: January 15, 2013 at 1:30 p.m. before Judge Ishii

27           **9. Early Settlement Conference**

- 28           a. Current: November 16, 2011  
            b. Proposed: August 28, 2012 at 9:30 a.m. before Judge McAuliffe

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**10. Later Settlement Conference**

- a. Current: July 19, 2012
- b. Proposed: March 20, 2013 at 9:30 a.m. before Judge McAuliffe

**11. Pre-Trial Conference**

- a. Current: August 6, 2012
- b. Proposed: April 18, 2013 at 8:30 a.m. before Judge Ishii

**12. Jury Trial**

- a. Current: September 18, 2012
- b. Proposed: June 17, 2013 at 8:30 a.m. before Judge Ishii

Respectfully submitted,

DATED: January 19, 2012

**SEIBERT & BAUTISTA**

BY:           /s/ Shannon Seibert                                

Shannon Seibert  
*Attorneys for Plaintiff*

DATED: January 19, 2012

**KAMALA HARRIS**  
Attorney General of California  
**FIEL D. TIGNO**  
Supervising Deputy Attorney General

BY:           /s/ Michael Gowe  

**MICHAEL GOWE**  
Deputy Attorney General  
*Attorneys for Defendants*

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**ORDER**

The Court having considered the parties' Stipulation to Continue Pretrial and Trial Deadlines finds that good cause exists to continue the pretrial and trial deadlines to the following dates:

1. **Non-Expert Discovery Cutoff:** July 31, 2012
2. **Expert Disclosures:** August 31, 2012
3. **Rebuttal Expert Disclosures:** October 1, 2012
4. **Discovery Cutoff:** October 31, 2012
5. **Non-Dispositive Motion Filing:** November 15, 2012
6. **Non-Dispositive Motion Hearing:** December 14, 2012 at 9:30 a.m. before Judge McAuliffe
7. **Dispositive Motion Filing:** November 30, 2012
8. **Early Settlement Conference:** August 28, 2012 at 9:30 a.m. before Judge McAuliffe
9. **Later Settlement Conference:** March 20, 2013 at 9:30 a.m. before Judge McAuliffe
10. **Pre-Trial Conference:** April 18, 2013 at 8:30 a.m. before Judge Ishii
11. **Jury Trial:** June 17, 2013 at 8:30 a.m. before Judge Ishii

IT IS SO ORDERED.

Dated: January 19, 2012

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE