

1 Daniel Rodriguez, Esq., SBN 096625  
2 Joel T. Andreesen, Esq., SBN 152254  
3 John A. Kawai, Esq., SBN 260120  
4 **RODRIGUEZ & ASSOCIATES**  
5 **A Professional Law Corporation**  
6 2020 Eye Street  
7 Bakersfield, CA 93301  
8 Phone: (661) 323-1400 Fax: (661) 323-0132

9 Attorneys for Plaintiffs WENDY WALSH, individually  
10 and as Successor-in-Interest to SETH WALSH, Deceased;  
11 and Sh.W., a minor, by his Guardian ad Litem,  
12 WENDY WALSH.

13 UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA

15 WENDY WALSH, individually and as ) Case No. 1:11-CV-01489-LJO-JLT  
16 Successor-in-Interest to SETH WALSH, )  
17 Deceased; and Sh.W., a minor, by his ) **STIPULATION TO AMEND THE**  
18 Guardian ad Litem, WENDY WALSH, ) **SCHEDULING ORDER;**

19 Plaintiffs, )

20 vs. ) **(Doc. 44)**

21 TEHACHAPI UNIFIED SCHOOL )  
22 DISTRICT; SUPERINTENDENT )  
23 SWANSON; SUSAN ORTEGA; )  
24 MR. KAMINSKY; MS. KIRBY; )  
25 MS. HAIGHT; MRS. KABONIC; )  
26 MR. FEEHAN; and DOES 1 through 100, )  
27 Inclusive, )

28 Defendants. )

1 **STIPULATION**

2

3 1. Undersigned counsel for Plaintiffs, WENDY WALSH and Sh.W., and undersigned  
4 counsel for Defendants, TEHACHAPI UNIFIED SCHOOL DISTRICT, SUSAN  
5 ORTEGA, and PAUL KAMINSKI, all of the parties who have appeared and remain in this  
6 action, hereby stipulate and agree as follows:

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8 2. WHEREAS:

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10 The currently scheduled deadlines and dates in this action are as follows:

- 11
- 12 • Non-expert discovery cut-off: May 24, 2013;
  - 13 • Joint expert disclosure: May 30, 2013;
  - 14 • Joint rebuttal expert disclosure: June 21, 2013;
  - 15 • Expert discovery cut-off: July 19, 2013;
  - 16 • Nondispositive motion filing: July 19, 2013, to be heard no later than  
17 August 16, 2013;
  - 18 • Dispositive pre-trial motion filing: July 11, 2013, to be heard no later than  
19 August 22, 2013;
  - 20 • Settlement conference: September 19, 2013, 10:00 a.m.;
  - 21 • Pre-trial conference: November 13, 2013 at 8:30 a.m. in Courtroom 4.

22 3. Undersigned counsel stipulate and agree to request that the Court enter an Order  
23 amending the scheduling order in this case, such that:

- 24
- 25 a. All non-expert discovery shall be completed no later than August 2, 2013;
  - 26 b. Joint expert disclosure, in the manner required by the scheduling order,  
27 shall occur no later than August 9, 2013;
- 28

- 1 c. Joint rebuttal expert disclosure, in the manner required by the scheduling  
2 order, shall occur no later than August 30, 2013;
- 3 d. All expert discovery shall be completed no later than September 20, 2013;
- 4 e. Any non-dispositive motions shall be filed no later than September 20,  
5 2013 and heard no later than October 18, 2013;
- 6 f. All dispositive pre-trial motions shall be filed no later than November 8,  
7 2013 and heard no later than December 6, 2013;
- 8 g. The settlement conference shall take place in November of 2013, according  
9 to the Court's schedule;
- 10 h. The pre-trial conference shall take place December 2013, according to the  
11 Court's schedule.

12  
13 4. The parties so stipulate because:

- 14  
15 (a) The trial schedules of defense counsel Michael Kellar and plaintiff's counsel  
16 Daniel Rodriguez and John Kawai have made it impossible for certain witness  
17 depositions that the parties believe are necessary to take place before the current  
18 non-expert discovery cut-off. Mr. Kellar is currently engaged in trial in the  
19 Superior Court of California, County of Kern, and Messrs. Rodriguez and Kawai  
20 have a trial in *Hugh Suhr v. Sears, Roebuck & Co.* (Case No. S-1500-CV-  
21 270679), which is trailing in the same department and expected to commence on  
22 April 29, 2013. Therefore, despite the diligence of all parties, additional time is  
23 required to conduct depositions.
- 24  
25 (b) It is therefore impossible for the parties to complete the necessary discovery in  
26 this case before the current non-expert discovery cut-off date.
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1 (c) The parties believe that this constitutes good cause for an amendment of the  
2 scheduling order in this case, and believe that an additional seventy (70) days will  
3 be sufficient to complete non-expert discovery.  
4

5  
6 Date: April 19, 2013

RODRIGUEZ & ASSOCIATES

7  
8 By: /s/ John A. Kawai /  
9 DANIEL RODRIGUEZ  
10 JOHN A. KAWAI  
11 Attorneys for Plaintiffs,  
12 WENDY WALSH and Sh.W.

13 Date: April 19, 2013

ROBINSON & KELLAR

14  
15 By: /s/ Michael C. Kellar /  
16 MICHAEL C. KELLAR  
17 Attorney for Defendants,  
18 TEHACHAPI UNIFIED SCHOOL  
19 DISTRICT, SUSAN ORTEGA, and  
20 PAUL KAMINSKI

21 Date: April 19, 2013

POLLAK, VIDA & FISHER

22  
23 By: /s/ Daniel P. Barer /  
24 DANIEL P. BARER  
25 GIRARD FISHER  
26 Attorneys for Defendants,  
27 TEHACHAPI UNIFIED SCHOOL  
28 DISTRICT, SUSAN ORTEGA, and  
PAUL KAMINSKI

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**ORDER**

The parties having stipulated, and good cause appearing, the Court **ORDERS:**

The stipulation to amend the scheduling order is **GRANTED** as follows:

1. All non-expert discovery SHALL be completed no later than **August 2, 2013;**
2. Joint expert disclosure, in the manner required by the scheduling order, SHALL occur no later than **August 9, 2013;**
3. Joint rebuttal expert disclosure, in the manner required by the scheduling order, SHALL occur no later than **August 30, 2013;**
4. All expert discovery SHALL be completed no later than **September 20, 2013;**
5. Any non-dispositive motions SHALL be filed no later than **September 20, 2013** and heard no later than **October 18, 2013;**
6. All dispositive pre-trial motions SHALL be filed no later than **November 8, 2013** and heard no later than **January 2, 2014** at 8:30 a.m.
7. The settlement conference SHALL take place on **November 7, 2013** at 10:00 a.m..
8. The pre-trial conference SHALL take place on **February 18, 2014** at 8:30 a.m. in Courtroom 4.
9. The trial is set on **April 29, 2014.**

**Absolutely no further modifications to the scheduling order will be authorized.**

IT IS SO ORDERED.

Dated: **April 19, 2013**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE