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| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8 |   | ES DISTRICT COURT  |  |  |
|--------------------------------------|---|--|--|--|
| 9                                    | EASTERN DISTRICT OF CALIFORNIA  |  |  |  |
| 10                                   | FRESNO DIVISION   |  |  |  |
| 11                                   | MARTHA ARMSTRONG,   | ) CASE NO.: 1:11-CV-01632-LJO-SKO  |  |  |
| 12                                   | KERED ARMSTRONG, a Minor, by and<br>through his Guardian ad Litem,                          |  |  |  |
| 13                                   | MARTHA ARMSTRONG,   | ) STIPULATION AND JOINT REQUEST  |  |  |
| 14                                   | Plaintiffs,   | <ul> <li>RESETTING PRE-TRIAL DATES;</li> <li>ORDER</li> </ul>                      |  |  |
| 15                                   | v.  | )  |  |  |
| 16                                   | MERCED COUNTY, et al.,  |  |  |  |
| 17                                   | Defendants.   | ý<br>)<br>)  |  |  |
| 18                                   | Counsel for the parties to this action, Robert D. Ponce, Law Offices of Robert D. Ponce,    |  |  |  |
| 19                                   | on behalf of plaintiffs ARMSTRONG et. al.,  | Jerome Varanini, Trimble, Sherinian & Varanini,                                    |  |  |
| 20                                   | counsel for defendants, MERCED COUNTY   | , et al. and Stephen Shlens, Bertling & Clausen,                                   |  |  |
| 21                                   | counsel for defendant, ROXANNE LONCTO   | OT, R.N., hereby agree and stipulate to the  |  |  |
| 22                                   | following:  |  |  |  |
| 23                                   | 1. That various pre-trial dates be  | e continued to later dates which are set forth below.                              |  |  |
| 24                                   | 2. That the trial of this action remain set for March 11, 2014.                             |  |  |  |
| 25                                   | The reason for the continuation of the pre-trial dates is to allow the parties to engage in |  |  |  |
| 26                                   | private mediation. The parties are undertaking  | ng extensive discovery. Defendants have taken the                                  |  |  |
| 27                                   | depositions of plaintiffs, MARTHA ARMSTRONG, KERED ARMSTRONG, and Stephanie                 |  |  |  |
| 28                                   | Tross, Guardian ad Litem for DEREK ARMSTRONG, JR., and DEREK ARMSTRONG, JR.                 |  |  |  |
|                                      |   | SETTING PRE-TRIAL DATES; [PROPOSED] ORDER<br>et al Case No.: 1:11-CV-01632-LJO-SKO |  |  |
|                                      |   |  |  |  |

| 1        | The parties have scheduled the depositions  | of Officer J. COLLINS, AMA                           | NDA GIBSON, R.N.,                                    |
|----------|---|--|--|
| 2        | ROXIE LONCTOT, R.N., Monica Jackson, R.N., Thiruk Viswanathan, M.D., and Phillip  |  |  |
| 3        | Sampson, P.A. Other depositions may be scheduled.   |  |  |
| 4        | Upon the conclusion of these fact witness depositions, the parties will utilize the services  |  |  |
| 5        | of Jack Williams, Esq. (San Jose, CA), to mediate this case. The mediation is scheduled for July  |  |  |
| 6        | 1, 2013.  |  |  |
| 7        | The proposed continuation of the pre-trial dates are as follows:  |  |  |
| 8        |   | Currently Scheduled Date                             | Proposed New Date                                    |
| 9<br>10  | Non-Expert Discovery Cutoff<br>Expert Discovery Cutoff<br>Plaintiffs' Expert Witness Reports Due  | June 14, 2013<br>September 23, 2013<br>July 15, 2013 | July 18, 2013<br>October 23, 2013<br>August 15, 2013 |
| 11       | Defendants' Expert Witness Reports Due<br>Non-Dispositive Motion Filing Deadline  | July 31, 2013<br>October 3, 2013                     | August 31, 2013<br>November 4, 2013                  |
| 12       | Dispositive Motion Filing Deadline<br>Settlement Conference   | November 8, 2013<br>January 9, 2013                  | December 9, 2013<br>Remains set                      |
| 13       | Pre-Trial Conference<br>Jury Trial  | January 30, 2014<br>March 11, 2014                   | Remains set<br>Remains set                           |
| 14<br>15 | DATED: May <u>13</u> , 2013   | LAW OFFICES OF ROBER                                 | RT D. PONCE  |
| 16       | By:   | /\$/   |  |
| 17       | 29.   | /S/<br>ROBERT D. PONCE<br>Attorney for Plaintiffs    |  |
| 18       |   |  |  |
| 19       | DATED: May <u>13</u> , 2013   | TRIMBLE, SHERINIAN &                                 | VARANINI   |
| 20       | By:   | /S/<br>JEROME M. VARANINI                            |  |
| 21       |   | Attorney for Defendants Me                           | rced County, et al.                                  |
| 22       | DATED: May <u>13</u> , 2013   | BERTLING AND CLAUSE                                  | Ν  |
| 23       | ·   |  |  |
| 24       | By:   | /S/<br>STEVE SHLENS                                  |  |
| 25       |   | Attorney for Defendant Roxa                          | anne Lonctot, R.N.                                   |
| 26       |   |  |  |
| 27       | ORDER   |  |  |
| 28       | The parties, having entered into a stipulation to continue pre-trial dates and further having   |  |  |
|          | STIPULATION AND JOINT REQUEST RESETTING PRE-TRIAL DATES; [PROPOSED] ORDER<br>Armstrong v. County of Merced, et al Case No.: 1:11-CV-01632-LJO-SKO |  |  |
|          | - 2 -   |  |  |

| 1  | stipulated to having the trial date remain as set, and good cause appearing therefore, |   |  |  |  |
|--|--|---|--|--|--|
| 2  | IT IS HEREBY ORDERED that the following dates be the effective dates for each pre-     |   |  |  |  |
| 3  | trial deadline:  |   |  |  |  |
| 4  | Non-Expert Discovery Cutoff  | July 15, 2013                                       |  |  |  |
| 5  | Expert Discovery Cutoff  | October 23, 2013                                    |  |  |  |
| 6  | Plaintiffs' Expert Witness Reports Due   | August 15, 2013                                     |  |  |  |
| 7  | Defendants' Expert Witness Reports Due   | August 31, 2013                                     |  |  |  |
| 8  | Non-Dispositive Motion Filing Deadline   | November 4, 2013                                    |  |  |  |
| 9  | Dispositive Motion Filing Deadline   | December 9, 2013                                    |  |  |  |
| 10   | The dates for the following remain set and are not continued:                          |   |  |  |  |
| 11   | Settlement Conference  | January 9, 2014                                     |  |  |  |
| 12   | Pre-Trial Conference   | January 30, 2014                                    |  |  |  |
| 13   | Jury Trial   | March 11, 2014                                      |  |  |  |
| 14   |  |   |  |  |  |
| 1.5  | IT IS SO ORDERED.  |   |  |  |  |
| 15   | II IS SO ORDERED.  |   |  |  |  |
| 15<br>16   |  | neila K. Oberto                                     |  |  |  |
|  |  | neila K. Oberto<br>TES MAGISTRATE JUDGE             |  |  |  |
| 16   |  | <mark>neila K. Oberto</mark><br>ÈS MAGISTRATE JUDGE |  |  |  |
| 16<br>17   |  | neila K. Oberto<br>ES MAGISTRATE JUDGE              |  |  |  |
| 16<br>17<br>18   |  | neila K. Oberto<br>TES MAGISTRATE JUDGE             |  |  |  |
| 16<br>17<br>18<br>19   |  | <u>neila K. Oberto</u><br>ES MAGISTRATE JUDGE       |  |  |  |
| 16<br>17<br>18<br>19<br>20   |  | neila K. Oberto<br>ES MAGISTRATE JUDGE              |  |  |  |
| 16<br>17<br>18<br>19<br>20<br>21   |  | neila K. Oberto<br>ÈES MAGISTRATE JUDGE             |  |  |  |
| <ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>   |  | neila K. Oberto<br>TES MAGISTRATE JUDGE             |  |  |  |
| <ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>   |  | neila K. Oberto<br>TES MAGISTRATE JUDGE             |  |  |  |
| <ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>                                     |  | neila K. Oberto<br>TES MAGISTRATE JUDGE             |  |  |  |
| <ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>                         |  | neila K. Oberto<br>ES MAGISTRATE JUDGE              |  |  |  |
| <ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>             |  | ABB A BAGISTRATE JUDGE                              |  |  |  |
| <ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> </ol> |  | IAL DATES; [PROPOSED] ORDER                         |  |  |  |