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13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA
16 FRESNO DIVISION

17
18 **RAYMOND BALDHOSKY,**

19 Plaintiff,

20 v.

21 **SUSAN HUBBARD, et al.,**

22 Defendants.

No. 1:12-cv-1200 LJO-JDP

**STIPULATION AND PROPOSED
ORDER TO MODIFY SCHEDULING
ORDER TO EXTEND EXPERT-
RELATED DEADLINES BY SEVEN
DAYS**

23 Trial Date: August 27, 2019

Action Filed: July 23, 2012

24 Under Federal Rules of Civil Procedure 16(b)(4) and Local Rule 143, the parties, through
25 their counsel of record, agree to and request a modification of the September 4, 2018 Minute
26 Order Scheduling Deadlines (ECF No. 163) to extend the expert-related deadlines by seven days.
27 Good cause exists to grant this stipulated request because Defendants' expert requires more time
28 to complete his report due to his being in trial and deposition.

1 A scheduling order may be modified only upon a showing of good cause and by leave of
2 Court. Fed. R. Civ. P. 6(b)(1)(A), 16(b)(4); *see, e.g., Johnson v. Mammoth Recreations, Inc.*, 975
3 F.2d 604, 609 (describing the factors a court should consider in ruling on such a motion). In
4 considering whether a party moving for a schedule modification has good cause, the Court
5 primarily focuses on the diligence of the party seeking the modification. *Johnson*, 975 F.2d at
6 609 (citing Fed. R. Civ. P. 16 advisory committee’s notes of 1983 amendment). “The district
7 court may modify the pretrial schedule ‘if it cannot reasonably be met despite the diligence of the
8 party seeking the amendment.’” *Id.* (quoting Fed. R. Civ. P. 16 advisory committee notes of 1983
9 amendment).

10 On August 30, 2018, the parties stipulated to, and the Court granted, an extension of the
11 expert-related and dispositive-motion deadlines. (ECF No. 162.) The Court required the parties
12 to disclose expert witnesses by October 9, 2018, provide rebuttal/supplemental reports no later
13 than October 23, and complete expert discovery by November 2. (ECF No. 163.) Defendants
14 require, and Plaintiff agreed to, a seven-day extension to disclose expert witnesses. Defendants’
15 expert was in trial last week, and has been in deposition this week. Despite his diligent efforts, he
16 will be unable complete his expert report by the current deadline. This short extension will allow
17 the expert to complete his report and allow Defendants to make full and complete disclosures.
18 Corresponding extensions of the remaining expert-discovery deadlines is needed to permit the
19 parties sufficient time to complete expert discovery. Good cause therefore exists to modify the
20 expert discovery deadlines as follows:

21	Expert Disclosure	October 16, 2018
22	Rebuttal/Supplemental Expert Disclosure	October 30, 2018
23	Expert Discovery Closes	November 9, 2018

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1 The parties' proposed modification and request will not affect any other scheduling
2 deadlines, including the dispositive-motion and trial dates.

3 IT IS SO STIPULATED.

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5 Dated: October 9, 2018

Respectfully submitted,

6 XAVIER BECERRA
7 Attorney General of California
8 PETER A. MESHOT
9 Supervising Deputy Attorney General

10 */s/ Diana Esquivel*

11 DIANA ESQUIVEL
12 Deputy Attorney General
13 Attorneys for Defendants

14
15 Dated: October 9, 2018

LAW OFFICE OF KEN I. KARAN

16 */s/ Ken I. Karan* (as authorized 10/9/18)

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18 Attorney for Plaintiff

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ORDER

Good cause appearing, the parties' stipulated request to modify the expert-related deadlines (ECF No. 163) to extend the deadlines by seven days is GRANTED.

The expert-related and dispositive-motion deadlines are modified as follows:

Expert Disclosure	October 16, 2018
Rebuttal/Supplemental Expert Disclosure	October 30, 2018
Expert Discovery Closes	November 9, 2018

IT IS SO ORDERED.

IT IS SO ORDERED.

Dated: October 9, 2018


UNITED STATES MAGISTRATE JUDGE