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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3 IRINA ENGERT, ANNE ENGERT, and RON
4 ENGERT, Individually and as Successors-in-
5 Interest to Glendon Engert,

Case No.: 1:13-CV-00126-LJO-BAM

**THIRD STIPULATED REQUEST TO
MODIFY SCHEDULING ORDER; ORDER**

6 Plaintiffs,

7 vs.

8 STANISLAUS COUNTY; SHERIFF ADAM
9 CHRISTIANSON; ROBERT LEE PARIS, SR.
10 and ELIZABETH JANE PARIS, PERSONAL
11 REPRESENTATIVES TO THE ESTATE OF
12 DEPUTY SHERIFF ROBERT LEE PARIS,
13 JR.; DEPUTY MICHAEL GLINSKAS;
14 SERGEANT MANUEL MARTINEZ;
15 LIEUTENANT CLIFF HARPER; RT
16 FINANCIAL, INC.; RONI ROBERTS; and
17 DOES ONE through TWENTY-FIVE,
18 inclusive,

19 Defendants.

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IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs IRINA ENGERT, RON ENGERT and ANNE ENGERT, and Defendants COUNTY OF STANISLAUS, SHERIFF ADAM CHRISTIANSON, LIEUTENANT CLIFF HARPER, SERGEANT MANUEL MARTINEZ, DEPUTY MICHAEL GLINSKAS, the ESTATE OF DEPUTY ROBERT LEE PARIS, JR. and RONI ROBERTS, (collectively, the "Parties"), by and through their undersigned Counsel, pursuant to Local Rules 143 and 144 as follows:

1. The Parties respectfully request the District Court modify the deadline for Initial Expert Disclosures in this matter, moving the deadline for disclosing police practices expert witnesses and reports from January 21, 2015 to February 9, 2015 and for supplemental and rebuttal reports by police practices expert(s) from February 11, 2015 to February 17, 2015. All other expert witnesses and reports would be disclosed on January 21, 2015. No other deadlines would be changed.

1 2. The reason for this request is that the parties are working diligently to complete fact
2 discovery by January 30, 2015, the fact discovery cut-off date. If the deadline for disclosing police
3 practices experts is moved from January 21, 2015 to February 9, 2015, the parties' police practices
4 expert witnesses would be able to review all fact discovery prior to completing their reports. This
5 would simplify the expert report process and potentially reduce the need for supplemental reports.

6 3. On October 2, 2013 the Court issued its Initial Scheduling Order setting certain dates
7 and deadlines, including discovery cut-offs, dispositive motion hearing deadlines, and trial. Dckt. No.
8 31.

9 4. On June 3, 2014, the Court modified the Scheduling Order at the request of the Parties
10 based on the substitution of and addition of new counsel for Defendants SERGEANT MANUEL
11 MARTINEZ, DEPUTY MICHAEL GLINSKAS, and ESTATE OF DEPUTY ROBERT LEE PARIS,
12 JR. Dckt. No. 43.

13 5. On October 10, 2014, the Court modified the Scheduling Order at the request of all
14 parties on the basis that voluminous discovery still needed to be completed, and that there were
15 outstanding discovery disputes that needed to be resolved. Dckt. No. 61.

16 6. Since that time, the parties have worked diligently to complete all fact discovery by the
17 close of fact discovery, on January 30, 2015.

18 7. This is the Parties' third stipulated request to modify the Scheduling Order.

19 8. The proposed modified date will not affect the Pretrial Scheduling Conference or trial
20 date.

21 9. Counsel Mike S. Warda for Defendant RT Financial could not be reached for approval
22 of this stipulation, however, the Parties understand that RT Financial has reached a settlement in this
23 action with Plaintiffs and will not be participating in the expert discovery phase.

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3 Therefore, the Parties respectfully request that that Scheduling Order be modified only as
4 follows:

5 **Police Practices Expert Witness Disclosure with Reports:**

6 Current Date: January 21, 2015

7 Proposed Date: February 9, 2015

8 **Police Practices Expert Witness Supplemental/Rebuttal Disclosure with Reports:**

9 Current Date: February 11, 2015

10 Proposed Date: February 17, 2015

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14 Respectfully submitted,

15 Dated: January 16, 2015

WALKUP, MELODIA, KELLY & SCHOENBERGER

16 By /s/ Richard H. Schoenberger
17 Richard H. Schoenberger
18 Spencer J. Pahlke
19 Attorneys for Plaintiffs
IRINA ENGERT, ANNE ENGERT, and RON ENGERT

20 Dated: January 16, 2015

PORTER SCOTT
A PROFESSIONAL CORPORATION

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22 By /s/ Terence J. Cassidy
23 Terence J. Cassidy
24 Lauren E. Calnero
25 Attorneys for Defendants
COUNTY OF STANISLAUS; SHERIFF ADAM
CHRISTIANSON; LIEUTENANT CLIFF HARPER

26 Dated: January 16, 2015

RIVERA & ASSOCIATES

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28 By /s/ Jesse M. Rivera
Jesse M. Rivera

1 Attorney for Defendant
2 SERGEANT MANUEL MARTINEZ

3 Dated: January 16, 2015

GOYETTE & ASSOCIATES

4 By /s/ Sean D. O'Dowd
5 Sean D. O'Dowd
6 Attorney for Defendant
7 SERGEANT MANUEL MARTINEZ

8 Dated: January 16, 2015

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9 By /s/ Amie McTavish
10 Bruce Kilday
11 Amie McTavish
12 Attorney for Defendants
13 DEPUTY MICHAEL GLINSKAS and ESTATE OF
14 DEPUTY ROBERT PARIS, JR.

15 Dated: January 16, 2015

BORTON PETRINI, LLP

16 By /s/ Cornelius J. Callahan
17 Cornelius John Callahan
18 Attorney for Defendant RONI ROBERTS
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1 **ORDER**

2 Having reviewed the above stipulation and good cause appearing therefore, IT IS HEREBY
3 ORDERED that the Scheduling Conference Order be modified as follows:

4 **Police Practices Expert Witness Disclosure with Reports:**

5 Current Date: January 21, 2015

6 Modified Date: **February 9, 2015**

7 **Police Practices Expert Witness Supplemental/Rebuttal Disclosure with Reports:**

8 Current Date: February 11, 2015

9 Modified Date: **February 17, 2015**

10 All other experts would be disclosed on January 21, 2015. No other deadlines would be
11 changed. Expert discovery cut off remains February 27, 2015. The Pretrial Conference date of June
12 25, 2015 at 8:30 a.m. in Courtroom 4, before the Honorable Lawrence J. O'Neill and trial date of
13 August 4, 2015 at 8:30 a.m. in Courtroom 4, before the Honorable Lawrence J. O'Neill also remain
14 unchanged.

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16 IT IS SO ORDERED.

17 Dated: January 20, 2015

17 /s/ Barbara A. McAuliffe
18 UNITED STATES MAGISTRATE JUDGE