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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**ROBERT FELIX and JACK PHELPS,**  
**individuals,**  
  
Plaintiffs,  
  
v.  
  
**THE STATE OF CALIFORNIA,**  
**DEPARTMENT OF DEVELOPMENTAL**  
**SERVICES, OFFICE OF PROTECTIVE**  
**SERVICES,**  
  
Defendant.

1:13-cv-00561-SKO  
**STIPULATION FOR ORDER TO**  
**CONTINUE FACT DISCOVERY CUT-**  
**OFF; ORDER THEREON**  
  
Judge: The Honorable Sheila K. Oberto  
Trial Date: January 25, 2016  
Action Filed: April 17, 2013

IT IS HEREBY STIPULATED, by and among ROBERT FELIX (“FELIX”) and JACK PHELPS (“PHELPS”) (“Plaintiffs”) and STATE OF CALIFORNIA, DEPARTMENT OF DEVELOPMENTAL SERVICES, INC. (“Defendant” or “Defendant”) (collectively, the “Parties”), through their respective undersigned counsel, as follows:

WHEREAS, this Court entered an Amended Scheduling Order in this matter on August 18, 2014 (Court Docket, Document No. 37);

WHEREAS, the current Scheduling Order has a fact discovery cut-off date of February 21, 2015;

1 WHEREAS, after an informal telephonic discussion with the Honorable District Court  
2 Magistrate Judge Sheila Oberto related to discovery issues, the Parties have been advised that due  
3 to scheduling difficulties involving third party witnesses, over whom neither Party has control, at  
4 least one of the witnesses will not be available for deposition until the first week of March 2015;

5 WHEREAS, the Parties have a mediation scheduled for January 20, 2015 and it is currently  
6 unknown if said mediation will resolve this matter;

7 WHEREAS, the Parties anticipate additional depositions will be necessary if the mediation  
8 is not successful;

9 WHEREAS, the Parties agree the difficulty in scheduling depositions and the other factors  
10 described more fully herein constitute good cause pursuant to Federal Rules of Civil Procedure  
11 Rule 16(b)(4) for the Court to extend the non-expert discovery deadline for an additional three  
12 weeks until March 13, 2015 in order to complete adequate discovery. No other dates will be  
13 changed.

<u>EVENT/DEADLINE</u>	<u>CURRENT DATE</u>	<u>PROPOSED DATES</u>
14 15 16 <b>Non-Expert Discovery</b>	02/21/2015	3/13/2015

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20 **IT IS SO STIPULATED.**

21  
22 Dated: January 20, 2015

LAW OFFICE OF DEAN B. GORDON

23  
24 By: */s/ Dean B. Gordon*  
25 Dean B. Gordon  
26 *Attorneys for Plaintiffs Robert Felix*  
*and Jack Phelps*

27 Dated: January 20, 2014

OFFICE OF THE ATTORNEY GENERAL

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By: /s/ Mary Horst  
Mary Horst  
Deputy Attorney General  
*Attorneys for Defendant Department  
of Developmental Services*

**ORDER**

Pursuant to the parties' stipulation, IT IS HEREBY ORDERED that non-expert fact discovery shall be continued three weeks. No other dates are affected. The new dates and deadlines shall be as follows:

<u>EVENT/DEADLINE</u>	<u>CURRENT DATE</u>	<u>NEW DATE</u>
<b>Non-Expert Discovery</b>	2/21/2015	3/13/2015

IT IS SO ORDERED.

Dated: January 20, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE