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14 **UNITED STATES DISTRICT COURT**  
15 **EASTERN DISTRICT OF CALIFORNIA**  
16

17 TREVOR WEEKS

18 Plaintiff,

19 v.

20 UNION PACIFIC RAILROAD COMPANY,  
21 a Delaware Corporation

22 Defendant.

Case No. 13-cv-01641-AWI-JLT

**STIPULATION TO MODIFY THE  
PRETRIAL SCHEDULING ORDER**

Complaint Filed: October 10, 2013  
Trial Date: August 4, 2015

1 Plaintiff Trevor Weeks and Defendant Union Pacific Railroad Company submit the  
2 following stipulation to modify the Court's pretrial Scheduling Order. (Doc. No. 11).

3 On January 23, 2014, the Court issued a Scheduling Order with deadlines for non-expert  
4 and expert discovery. (Doc. No. 11). Due to health concerns of Plaintiff's counsel, the parties  
5 have been delayed in discovery regarding the facts in this action. The parties have been unable to  
6 schedule depositions in this case that are critical to determining whether this case can be disposed  
7 of either through mediation or summary judgment. The deadline to complete non-expert discovery  
8 is October 31, 2014, and the parties have been unable to take depositions yet. The parties will be  
9 prejudiced if they are unable to take depositions in this case. The parties are meeting and  
10 conferring about deposition dates in October and November 2014.

11 The parties request the following modifications to the pretrial Scheduling Order:

12 Non-expert discovery continued from October 31, 2014 to **December 31, 2014**

13 Expert Discovery continued from January 12, 2015 to **April 30, 2015**

14 These changes do not affect the trial date, or any other pretrial deadlines, such as the  
15 settlement conference and summary judgment deadlines. The parties have not made any prior  
16 requests to modify the pretrial schedule order.

17  
18 DATED: October 8, 2014

SMITH JOHNSON, INC.

19 By: /s/ William J. Smith (as authorized on 10/8/14)  
20 William J. Smith

21 Attorneys for Plaintiff  
22 TREVOR WEEKS

23 DATED: October 8, 2014

OGLETREE, DEAKINS, NASH, SMOAK &  
24 STEWART, P.C.

25 By: /s/ Jill V. Cartwright  
26 Charles L. Thompson, IV  
27 Jill V. Cartwright

28 Attorneys for Defendant  
UNION PACIFIC RAILROAD COMPANY

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**ORDER**

Before the Court is the stipulation of counsel to extend the deadlines related to non-expert and expert discovery. (Doc. 21) The Court is aware of the difficulties of Plaintiff's counsel in recent months (Docs. 18, 19, 20) and, based thereon, will **GRANT** the stipulation. The scheduling order is amended as follows:

- 1. All non-expert discovery SHALL be completed no later than **December 31, 2015**;
- 2. All expert discovery SHALL be completed no later than **April 30, 2015**;

No other deadlines set forth in the scheduling order are authorized to be amended. **Further, counsel are advised that no further requests to modify the scheduling order will be entertained absent a showing of exceptional good caused.** They are urged in the strongest of terms to complete the needed discovery as soon as possible.

IT IS SO ORDERED.

Dated: October 8, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE