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5	Attorney for Plaintiff Victoriano Mendez-Garcia		
6	Attorney for Plaintiff Victoriano Mendez-Garcia		
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8	IN THE UNITED STATES DISTRICT COURT IN AND		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
10			
11	VICTORIANO MENDEZ-GARCIA		
12	Plaintiff		
13	1 lamun		
14	V.	Case No. 1:13-CV-01793-MJS	
15	CITY OF MADERA, CITY OF MADERA		
16	POLICE DEPARTMENT, MADERA	IOINT CTIDLIL ATION DE MODIEICATION	
17	POLICE OFFICER JOSH CHAVEZ (BADGE NO. 3509), DHS, US AGENCY;	JOINT STIPULATION RE MODIFICATION OF SCHEDULING ORDER	
18	THE UNITED STATES OF AMERICA, A Sovereign Nation acting by and through		
19	Its Agency, The Department of Homeland Security.		
20	•		
21	Defendants		
22			
23	TO THE HONORABLE COURT:		
24	IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES TO THIS ACTION by and		
25	through their attorneys of record herein as follows:		
26	, and the second		
27	JOINT STIPULATION RE MODIFICATIO	ON OF SCHEDULING ORDER	
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- 1. After a Motion to Dismiss was brought against the First Amended Complaint filed by Plaintiff,
- which named The Department of Homeland Security (herein "DHS"), an agency of the United
- 3 States government, as one of the defendants in this action, DHS moved for an order dismissing this
- 4 action as against it on the grounds, among other arguments, that there is no statutory exception for
- 5 permitting an action to be brought against an agency of the United States for the actions or
- omissions alleged, and it was not the proper federal defendant, if any.
- 8 2. By Stipulation of the parties, Plaintiff ultimately filed a Second Amended Complaint, on January
- 9 20, 2015, naming the United States as a party defendant, and deleting any reference to DHS as a
- party defendant.

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- 11 3. The Summons on the Second Amended Complaint has been served in accordance with the Federal
- Rules of Civil Procedure, after first confirming with counsel for DHS that he was not authorized to
- accept service of the Second Amended Complaint on behalf of the United States.
- 4. As a result of the delay in resolving the pleading issues, the parties have engaged in full discovery.
- Plaintiff and Madera Defendants have made appropriate discovery disclosures in accordance with
- the Rules and formal written discovery requests were exchanged. Deposition discovery has not
- occurred because of the pending presence, of the United States and Agent Quintero as parties to
- the litigation.
- 5. Given the time necessary for the formal response of the United States, and the probable
- participation of the United States in discovery, the Plaintiff and Madera defendants hereby request
- that the court modify its Scheduling Conference Order (Document Number 11) extend the time
- within which to complete non-expert discovery to be extended to and including April 17, 2015 and
- 25 that the time within which to disclosure experts be extended to be completed by July 17, 2015. The

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1	parties that the trial date of December 8, 2015 will be retained.	
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3	3 I agree to all of the above.	
4	4 Dated: February 13, 2015	/s/Lazaro Salazar
5	.)	Lazaro Salazar Attorney for Plaintiff, Victoriano Mendez-Garcia
6		Thomas Tor Francisco, Toronano Manage Guiera
7	7 I agree to all of the above.	
8	8 Dated: February 13, 2015	/s/Gregory L. Myers
9		regory L. Myers ttorney for Defendants City of Madera, City of
10		Indera Police Department and Officer Josh Chavez
11	1	
12	2	
13	3	Order
14	4	
15	Good cause appearing based on the above STIPULATION RE MODIFICATION OF	
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17		
18	8 of this Court.	
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20	<sup>0</sup> IT IS SO ORDERED.	
21		11 0 0 G C O
22	2 Dated: <u>February 17, 2015</u>	
23	3	UNITED STATES MAGISTRATE JUDGE
24	4	
25	5	
26	66	
27	JOINT STIPULATION RE MODIFICATION	OF SCHEDULING ORDER
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