

- 1 1. After a Motion to Dismiss was brought against the First Amended Complaint filed by Plaintiff,
2 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
6 omissions alleged, and it was not the proper federal defendant, if any.
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- 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
10 party defendant.
- 11 3. The Summons on the Second Amended Complaint has been served in accordance with the Federal
12 Rules of Civil Procedure, after first confirming with counsel for DHS that he was not authorized to
13 accept service of the Second Amended Complaint on behalf of the United States.
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- 15 4. As a result of the delay in resolving the pleading issues, the parties have engaged in full discovery.
16 Plaintiff and Madera Defendants have made appropriate discovery disclosures in accordance with
17 the Rules and formal written discovery requests were exchanged. Deposition discovery has not
18 occurred because of the pending presence, of the United States and Agent Quintero as parties to
19 the litigation.
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- 21 5. Given the time necessary for the formal response of the United States, and the probable
22 participation of the United States in discovery, the Plaintiff and Madera defendants hereby request
23 that the court modify its Scheduling Conference Order (Document Number 11) extend the time
24 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 I agree to all of the above.

4 Dated: February 13, 2015

/s/Lazaro Salazar

Lazaro Salazar
Attorney for Plaintiff, Victoriano Mendez-Garcia

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7 I agree to all of the above.

8 Dated: February 13, 2015

/s/Gregory L. Myers

Gregory L. Myers
Attorney for Defendants City of Madera, City of
Madera Police Department and Officer Josh Chavez

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13 **Order**

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15 Good cause appearing based on the above STIPULATION RE MODIFICATION OF
16 SCHEDULING ORDER in Case No. 1:13-CV-01793-MJS is accepted and adopted as the Order
17 of this Court.
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20 IT IS SO ORDERED.

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22 Dated: February 17, 2015

/s/ Michael J. Seng

UNITED STATES MAGISTRATE JUDGE

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JOINT STIPULATION RE MODIFICATION OF SCHEDULING ORDER