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19 **UNITED STATES DISTRICT COURT**  
20 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

21 GEORGE MICHAEL MACIAS, JR., ) CASE NO. 1:13-CV-001819-BAM  
22 Plaintiffs, )  
23 vs. ) **ORDER DENYING STIPULATION TO**  
24 ) **MODIFY THE AMENDED SCHEDULING**  
25 STEVE CLEAVER, CESAR GONZALEZ, ) **ORDER**  
26 ERIC TAIFANE, ANGEL VELASQUEZ, ) **(Doc. 44)**  
27 THE CITY OF CLOVIS and DOES 1-10, )  
28 inclusive,inclusive, ) The Honorable Barbara A. McAuliffe  
29 Defendants. )

THE PARTIES, through their respective counsel, have stipulated to modify the Amended

1 Scheduling Order (Doc. No. 44) to allow them to take the depositions for the following  
2 individuals:

- 3 1) Sergeant James Boldt
- 4 2) Corporal Joshua Kirk
- 5 3) Mark King
- 6 4) Lawrence Brookter
- 7 5) Gilbert Ramirez, MD
- 8 6) Carlos Iniguez, RN
- 9 7) Dr. Ronald Kleyn
- 10 8) Roy Rodgers
- 11 9) Michael Olague
- 12 10) Joe Martin, DC
- 13 11) Greg Connor
- 14 12) Sergeant Curt Fleming
- 15 13) Sergeant Jorge Gomez
- 16 14) Sergeant Corporal Aranans
- 17 15) Jorge Gilblanco

18 The current deadline for non-expert discovery is February 5, 2016. The parties stipulate  
19 that the non-expert discovery deadline be extended to March 25, 2016 just for purposes of  
20 deposing the foregoing individuals.

21 THE PARTIES have further stipulated to modify the Amended Scheduling Order (Doc.

22 No. 44) as follows:

	<u>Current Date</u>	<u>New Date</u>
23 Expert Witness Disclosure:	March 4, 2016	April 8, 2016
24 Supplemental Expert Disclosure:	March 18, 2016	April 22, 2016
25 Expert Discovery Cutoff:	May 2, 2016	May 20, 2016
26 Pretrial Motion Filing Deadline:	May 20, 2016	June 10, 2016
27 Pre-Trial Conference:	August 10, 2016	No Change
28 Trial:	September 27, 2016	No Change

1 IT IS SO STIPULATED.

2 Dated: February 16, 2016

WEAKLEY & ARENDT, LLP

3 By: /s/ Brande L. Gustafson  
4 James D. Weakley  
5 Brande L. Gustafson  
6 Attorneys for Defendants

6 Dated: February 14, 2016

PICCUTA LAW GROUP, LLP  
THE LAW OFFICES OF PANOS LAGOS

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8 By: /s/Charles Tony Piccuta(As authorized on 2/14/16)  
9 Charles A. Piccuta  
10 Charles Tony Piccuta  
11 Panos Lagos  
12 Attorneys for Plaintiff

11 **ORDER**

12 The Parties' Stipulation and Proposed Order to continue the discovery and pretrial  
13 deadlines is DENIED. (Doc. 85). A scheduling order may be modified only for good cause.  
14 Fed. R. Civ. P. 16(b). The parties' request for a schedule modification provides no explanation  
15 as to why the existing discovery deadlines cannot be met. Thus, the parties' request fails to  
16 comply with Federal Rule of Civil Procedure 16(b)(4). Further, Local Rule 144(d) cautions  
17 parties against delaying until the last moment to seek extensions. While parties are required to  
18 seek an extension of time well before the deadline has expired, the parties here waited until two  
19 weeks after fact discovery closed to file a request to take fifteen additional depositions. Such  
20 conduct is looked upon with disfavor and serves as an independent ground to deny the  
21 stipulation. *See* Local Rule 144(d); *In Hardy v. County of El Dorado*, 2008 WL 3876329 (E.D.  
22 Cal. Aug. 20, 2008). Lastly, the requested relief would unnecessarily burden the Court with  
23 compressed discovery and motion deadlines. For these reasons, the parties' stipulation is  
24 DENIED without prejudice.

25 IT IS SO ORDERED.

26 Dated: February 18, 2016

/s/ Barbara A. McAuliffe  
27 UNITED STATES MAGISTRATE JUDGE

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