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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

D. L., a minor by and through his guardian ad litem Kari Ann Junio, Plaintiff, v. MARGARET VASSILEV, M.D., et al., Defendants.	Case No. 1:14-cv-00824-BAM ORDER APPROVING STIPULATION TO MODIFY SCHEDULING ORDER (Doc. No. 15)
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On February 23, 2018, the Court issued a Scheduling Order in this case setting deadlines for discovery and trial. (Doc. No. 29.) On March 28, 2019, the parties filed a stipulation to extend the discovery and dispositive motion deadlines based upon a medical issue concerning counsel for Plaintiff D.L., a minor by and through his guardian ad litem Kari Ann Junio (“Plaintiff”), as well as counsel for Defendant United States’ inability to participate in discovery due to the government shutdown which occurred from December 22, 2018, through January 28, 2019, and a scheduling conflict with a four-week jury trial in an unrelated matter. (Doc. No. 93.) The Court approved the parties’ stipulation on March 29, 2019, and extended the deadlines set forth in the Scheduling Order as follows:

- a. Non-expert discovery completed by June 10, 2019;
- b. Initial expert disclosures due by June 21, 2019;
- c. Supplemental expert disclosures due by July 5, 2019;
- d. Expert discovery completed by August 2, 2019; and
- e. Dispositive motions filed by August 30, 2019.

(Doc. No. 94.) The pretrial conference and trial dates remained unchanged. (*Id.*)

Currently before the Court is the parties’ second stipulation to modify the Scheduling Order and extend the applicable expert discovery deadlines as well as the deadline for filing dispositive motions.

1 (Doc. No. 98.) According to the stipulation, the parties deposed former defendant Christopher
2 Bencomo, M.D., on June 4, 2019, and are scheduled to depose Defendant Margaret Vassilev, M.D., on
3 June 10, 2019. (*Id.* at 1.) The deposition transcripts will not be available for up to a week following
4 each deposition, and the parties' experts may need additional time to review the transcripts and complete
5 their reports once the transcripts become available. (*Id.*) Additionally, one of Plaintiff's experts is
6 traveling for the next few weeks and has advised counsel that they may need additional time to review
7 the deposition transcripts once received. (*Id.* at 2.) Accordingly, the parties seek to extend the deadline
8 for expert disclosure to July 12, 2019, for supplemental expert disclosure to July 26, 2019, for close of
9 expert discovery to August 23, 2019, and for filing dispositive motions to September 13, 2019. (*Id.*)

10 Pursuant to the parties' stipulation, and based upon the unavailability of Plaintiff's expert, the
11 Court finds that good cause exists to grant the parties' request for limited extension of the applicable
12 expert discovery and dispositive motion deadlines. Accordingly, it is **HEREBY ORDERED** that the
13 Court's Scheduling Order (Doc. No. 29) is modified as follows:

- 14 a. Initial expert disclosures shall be completed by July 12, 2019;
- 15 b. Supplemental expert disclosures shall be completed by July 26, 2019;
- 16 c. Expert discovery shall be completed by August 23, 2019; and
- 17 d. Dispositive motions shall be served and filed by August 30, 2019.

18 The pretrial conference remains set for November 5, 2019, at 9:00 a.m. in Courtroom 8 before the
19 honorable Barbara A. McAuliffe, United States Magistrate Judge. The trial date likewise remains set
20 for February 4, 2020, at 8:30 a.m. before Judge McAuliffe. The parties are cautioned that further
21 modifications of the scheduling conference order will not be granted absent a showing of good cause.
22 Fed. R. Civ. P. 16(b).

23 **IT IS SO ORDERED.**

24 Dated: June 10, 2019

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE