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18 *Attorneys for Defendants*  
19 **CITY OF MODESTO, OFFICER DAVID WATSON**  
20 **and OFFICER RANDALL W. BOLINGER**

21 **UNITED STATES DISTRICT COURT**

22 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

23 <b>JACK SMITH,</b>	)	<b>Case No. 1:14-CV-01285-LJO-MJS</b>
	)	
24                   Plaintiff,	)	<b>STIPULATED REQUEST FOR AN</b>
	)	<b>AMENDED SCHEDULING ORDER;</b>
25                   vs.	)	<b>ORDER THEREON</b>
	)	
26 <b>CITY OF MODESTO, a municipal</b>	)	
27 <b>corporation, Modesto Police Department</b>	)	
28 <b>Officers DAVID WATSON (#11078),</b>	)	
29 <b>individually, and RANDALL W.</b>	)	
30 <b>BOLINGER (#10069), individually, and</b>	)	
31 <b>DOES 1 through 50, Jointly and Severally,</b>	)	
	)	
32                   Defendants.	)	
	)	

33 The parties respectfully submit the following Stipulation and Proposed Order:

34 **STIPULATED REQUEST FOR AMENDED SCHEDULING ORDER & [PROPOSED] ORDER**

1 **STIPULATION**

2 **WHEREAS**, all parties to the above-entitled action, by and through their counsel of  
3 record, met and conferred recently regarding an extension of the non-expert discovery cut-off  
4 date;

5 **WHEREAS**, the current Scheduling Order (Dkt. 16) sets forth the following Discovery  
6 Deadlines and Expert Disclosure Deadlines:

7 Non-Expert Discovery: July 14, 2015  
Expert Discovery: October 30, 2015

8 Expert Disclosure Deadlines:  
9 Filing: August 18, 2015  
10 Supplemental: September 15, 2015

11 **WHEREAS**, the parties have already completed a sizeable portion of the written  
12 discovery, but will need to address certain issues with the Magistrate Judge assigned to this  
13 matter concerning certain categories of discovery because the parties have reached an impasse.  
14 However, due to the trial schedules of counsel for the parties and due to other extraneous  
15 circumstances, there have been delays in counsel’s ability to resolve these issues and proceed  
16 with the discovery. Accordingly, the depositions that were scheduled had to all be placed on  
17 hold, pending the resolution of the documents at issue. Based on these circumstances, the  
18 parties require additional time to complete the non-expert discovery in this matter.

19 Additionally, the parties wish to attempt to accommodate the schedules of deponents as much  
20 as is practicable, so as to minimize the inconvenience to both deponents and to parties in  
21 completing the remaining depositions. However, this will also require additional time. In sum,  
22 reconciling the schedules of Defense counsel, Plaintiff’s counsel, and the various lay witnesses,  
23 in order to both resolve the pending discovery and complete the depositions, requires additional  
24 time.

25 Based on the circumstances described above, the parties now respectfully and jointly  
request that the court issue an amended scheduling order, which maintains the same Non-  
Dispositive Motion and Dispositive Motion filing deadlines, as well as the same Pretrial

**STIPULATED REQUEST FOR AMENDED SCHEDULING ORDER & [PROPOSED] ORDER**



1 **ORDER**

2 Having considered the parties' Stipulated Request for an Amended Scheduling Order  
3 and good cause appearing therefor,

4 IT IS HEREBY ORDERED that the Stipulated Request is granted, as set forth in the  
5 Stipulation above:

6 The Scheduling Order (Dkt. 16) shall be amended to reflect the deadlines listed below:

- 7 1. The deadline to complete Non-Expert Discovery shall be extended from July 14,  
8 2015 to **September 14, 2015**;
- 9 2. The deadline for Expert Disclosure shall be extended from August 18, 2015 to  
10 **October 13, 2015**;
- 11 3. The deadline for Supplemental Expert Disclosure shall be extended from September  
12 15, 2015 to **November 17, 2015**;
- 13 4. The deadline for Expert Discovery shall be extended from October 30, 2015 to  
14 **November 30, 2015**; and,
- 15 5. All other deadlines, hearings, and the Pretrial Conference and Trial dates shall  
16 remain as set.

17 IT IS SO ORDERED.

18 Dated: April 27, 2015

19 /s/ Michael J. Seng  
20 UNITED STATES MAGISTRATE JUDGE