

1 MCGREGOR W. SCOTT
 United States Attorney
 2 BENJAMIN E. HALL
 Assistant United States Attorney
 3 2500 Tulare Street, Suite 4401
 Fresno, CA 93721
 4 Telephone: (559) 497-4000
 Facsimile: (559) 497-4099
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6 Attorneys for Defendant
 United States of America
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10 IN THE UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

12 DOMINIC ESQUIBEL,
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 Plaintiff,
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 v.
 15 UNITED STATES OF AMERICA,
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 Defendant.
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Case No. 1:14-cv-01702-SKO
STIPULATION AND ORDER FOR
MODIFICATION OF CASE
SCHEDULE
 (Doc. 42)

18
 19 Plaintiff, Dominic Esquibel, and defendant, United States of America, through their
 20 undersigned attorneys, hereby stipulate and request that the Court enter an order modifying the case
 21 schedule (Doc. 38) in order to resolve a dispute that has arisen between the parties relating to the
 22 admissibility at trial of certain expert opinion testimony. In support of the requested modification,
 23 the parties jointly set forth the following facts:

24 1. Pursuant to the Scheduling Order (Doc. 33), the parties were ordered to disclose all
 25 expert witnesses, in writing and pursuant to Fed. R. Civ. P. Rule 26(a)(2)(A), (B) and (C), on or
 26 before September 14, 2017, and to disclose all supplemental experts on or before October 12, 2017.

27 2. Both parties made their initial expert witness disclosures on or about September 14,
 28 2017, and supplemental expert witness disclosures on or about October 12, 2017. Plaintiff's initial

1 expert witness disclosure designated Khyber Zaffarkhan, D.O., as a retained expert and included a
2 two-page written report signed by Dr. Zaffarkhan.

3 3. On November 1, 2017, the parties submitted a Stipulation and Proposed Order to
4 Extend Expert Discovery Cutoff (Doc. 37), requesting additional time to complete expert depositions
5 and to accommodate the schedules of multiple medical expert witnesses.

6 4. On November 5, 2017, the Court entered an Order (Doc. 38) extending the expert
7 discovery deadline to January 31, 2018, setting new deadlines for the filing and hearing of motions,
8 and setting new dates for the Pre-Trial Conference and Trial.

9 5. On November 8, 2017, the United States noticed the deposition of Dr. Zaffarkhan for
10 January 23, 2018, in Newport Beach, California.

11 6. On January 22, 2018, on the evening before the deposition, plaintiff's counsel
12 disclosed to defense counsel a "Life Care Plan" prepared by Dr. Zaffarkhan.

13 7. A dispute has arisen between the parties regarding the admissibility of the Life Care
14 Plan and any related opinions by Dr. Zaffarkhan. Plaintiff's counsel has proposed to resolve the
15 dispute by seeking a modification of the case schedule to allow further discovery on issues related to
16 the Life Care Plan.

17 8. In an effort to resolve this dispute without intervention by the Court and in the
18 interest of justice, the parties therefore jointly propose that the case schedule be modified as follows:

19 A. The United States shall disclose to plaintiff in writing any rebuttal opinions
20 relating to the Life Care Plan no later than August 21, 2018.

21 B. Further depositions of expert witnesses for either party relating to the Life
22 Care Plan and any related opinions shall be completed no later than September 20, 2018. No other
23 discovery shall be undertaken.

24 C. Any motions relating to this further discovery shall be filed no later than
25 September 27, 2018, and heard no later than November 8, 2018.

26 D. The Pre-Trial Conference shall be continued to January 3, 2019.

27 E. Trial shall be continued to February 19, 2019.

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Dated: June 29, 2018

Respectfully submitted,
MCGREGOR W. SCOTT
United States Attorney

/s/Benjamin E. Hall
BENJAMIN E. HALL
Assistant U.S. Attorney
Attorney for Defendant

Dated: June 29, 2018

WAGNER, JONES, KOPFMAN &
ARTENIAN LLP
[as authorized on June 29, 2018]

/s/Nicholas J.P. Wagner
NICHOLAS J.P. WAGNER
Attorneys for Plaintiff

ORDER

The Court, having considered the parties' above "Stipulation for Modification of Case Schedule" (Doc. 42), and for good cause shown, HEREBY ORDERS that the case schedule (Doc. 38) be modified as follows:

A. The United States shall disclose to plaintiff in writing any rebuttal opinions relating to the Life Care Plan no later than August 21, 2018;

B. Further depositions of expert witnesses for either party relating to the Life Care Plan and any related opinions shall be completed no later than September 20, 2018. No other discovery shall be undertaken;

C. Any motions relating to this further discovery shall be filed no later than September 27, 2018, and heard no later than November 8, 2018;

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D. The Pre-Trial Conference shall be continued to December 19, 2018 at 3:30 PM in Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto; and

E. Trial shall be continued to February 20, 2019.

IT IS SO ORDERED.

Dated: July 2, 2018

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE