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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14) Case No.: 1:14-cv-01875-LJO-SKO
15)
15 SEANLIM YITH and SEAK LEANG YITH,) **STIPULATION AND ORDER**
16) **AMENDING SCHEDULING ORDER**
16 Plaintiffs,)
17)
18 v.)
19 KEVIN K. MCALEENAN, in his Capacity)
as Acting Secretary of Homeland Security,¹) **(Doc. 95)**
20 *et al.*,)
21 Defendants.)

22
23 The parties hereby stipulate and respectfully request that the Court consent to amending
24 the Scheduling Order, Doc. No. 93, to extend the non-expert discovery deadline by 45 days² and
25

26 ¹ Pursuant to Fed. R. Civ. P. 25(d), Kevin K. McAleenan is automatically substituted as Acting
27 Secretary of Homeland Security for his predecessor in office, effective April 10, 2019.

28 ² The parties have also proposed to extend the expert discovery deadlines to accommodate their
proposed non-expert discovery extension, but by less than the 45-day period requested for the
non-expert discovery extension to ultimately shorten the length of time requested for the

1 the non-dispositive and dispositive motions dates by 14 days, for good cause, and in support
2 state:

3 1. On December 13, 2018, the Court issued a scheduling order setting the following
4 discovery deadlines: non-expert discovery complete by May 31, 2019; expert disclosures
5 complete by June 7, 2019; rebuttal expert disclosures complete by June 14, 2019; and expert
6 discovery complete by June 30, 2019. Doc. No. 93. The Court further set a deadline of July 31,
7 2019, for non-dispositive and dispositive motions. *Id.*

8 2. To date, the parties have engaged in active discovery, including production of hundreds
9 of pages of documents and the deposition of eight witnesses. Furthermore, there are outstanding
10 discovery disputes that the parties are actively attempting to resolve without the need for the
11 Court's intervention.

12 3. The parties intend on conducting additional depositions of witnesses and the government
13 intends on providing additional disclosures and production of documents to Plaintiffs, which is
14 expected, in turn, to require additional discovery.

15 4. The parties agree that the additional time requested is necessary to allow the parties to
16 complete discovery, and propose the following amended discovery schedule: non-expert
17 discovery complete by July 15, 2019; expert disclosures due by July 19, 2019; rebuttal expert
18 disclosures due by July 26, 2019; and expert discovery complete by August 9, 2019.

19 5. The parties also propose that non-dispositive and dispositive motion deadlines be
20 extended 14 days to August 14, 2019, in order to not disrupt the dates set thereafter in the
21 Scheduling Order. The parties do not wish to cause a change to the trial date.

22 6. This request is not made for any improper purpose or to create unnecessary delay, but
23 rather to facilitate full and complete discovery in this case.

24 * * *

25 For the forgoing reasons, the parties hereby request that the Court modify its Scheduling
26 Order as follows: non-expert discovery complete by July 15, 2019; expert disclosures due by

27 _____
28 extensions to the motions deadlines. The parties believe that any expert discovery can be
accomplished within the timeframe proposed herein.

1 July 19, 2019; rebuttal expert disclosures due by July 26, 2019; expert discovery complete by
2 August 9, 2019; and non-dispositive and dispositive motions due by August 14, 2019.
3
4
5

6 Dated: May 8, 2019

Respectfully submitted,

7 /s/ Bruce Leichty (with consent)
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Attorneys for Defendants

1 **ORDER**

2 The Court, having considered the parties above Stipulation to Amend Scheduling Order
3 to Extend Discovery (Doc. 95), and for good cause shown, hereby GRANTS an extension of
4 discovery and other pretrial dates as follows:

5

6 Event	Prior Date	Continued Date
7 Non-Expert Discovery Completion	May 31, 2019	July 15, 2019
8 Expert Disclosures	June 7, 2019	July 19, 2019
9 Rebuttal Expert Disclosures	June 14, 2019	July 26, 2019
10 Expert Discovery Completion	June 30, 2019	August 9, 2019
11 Non-Dispositive Motion Filing	July 31, 2019	August 14, 2019
12 Non-Dispositive Motion Hearing	September 4, 2019	September 11, 2019
13 Dispositive Motion Filing	July 31, 2019	August 14, 2019
14 Dispositive Motion Hearing	September 5, 2019	September 19, 2019

15 All other dates in the Scheduling Order (Doc. 93), remain unchanged.

16 The Court also advises the parties that there is no more room in the schedule to further
17 extend any other pretrial dates without moving the trial date. As such, this is the only stipulation
18 to modify the Scheduling Order that the Court will entertain.

19
20
21 IT IS SO ORDERED.

22 Dated: May 8, 2019

/s/ Sheila K. Oberto
23 UNITED STATES MAGISTRATE JUDGE