

1 **THERESA A. GOLDNER, COUNTY COUNSEL**
 2 **By: ANDREW C. THOMSON, DEPUTY (SBN 149057)**
 3 **Kern County Administrative Center**
 4 **1115 Truxtun Avenue, Fourth Floor**
 5 **Bakersfield, CA 93301**
 6 **Telephone 661-868-3800**
 7 **Fax 661-868-3805**

8 **Attorneys for Defendants County**
 9 **of Kern and Deputy Reed**

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**

12 **D.G., a minor, by and through his) CASE NO. 1:15-CV-00760 JAM-JLT**
 13 **guardian *ad litem*, Denise Bonilla,)**
 14 **individually and as successor-in-interest) STIPULATION TO ALLOW DEPOSITION**
 15 **to David Garcia, deceased; D.E.G., a) OF EXPERT SCOTT DEFOE BEYOND**
 16 **minor, by and through her guardian *ad) EXPERT DISCOVERY DEADLINE DUE***
 17 ***litem*, Denise Bonilla, individually and) TO UNCONTROLLABLE**
 18 **as successor-in-interest to David Garcia,) CIRCUMSTANCES AND SCHEDULING**
 19 **deceased; G.D., a minor, by and) ISSUES; ORDER**
 20 **through her guardian *ad litem*, Denise)**
 21 **Bonilla, individually and as successor-)**
 22 **in-interest to David Garcia, deceased;)**
 23 **RAMONA RAMIREZ NUNEZ,)**
 24 **individually;)**
 25 **Plaintiffs,)**
 26 **vs.)**
 27 **COUNTY OF KERN; DOES 1)**
 28 **THROUGH 10;)**
Defendants.) [ALL PARTIES REQUEST A JURY]
 _____)

23 Plaintiffs, D.G., a minor, by and through his guardian ad litem, Denise Bonilla; D.E.G.,
 24 a minor, by and through her guardian ad litem, Denise Bonilla; G.D., a minor, by and through
 25 her guardian ad litem, Denise Bonilla; and Ramona Ramirez Nunez, (hereinafter collectively
 26 “Plaintiffs”) are jointly represented by Matthew C. Clark and Neil K. Gehlawat of Chain-
 27 Cohn-Stiles, and Dale K. Galipo of the Law Offices of Dale K. Galipo.

28 \ \ \

1 Defendants, County of Kern (hereinafter “County”) and Deputy Robert Reed
2 (hereinafter “Reed”), (hereinafter collectively “Defendants”) are represented by Andrew C.
3 Thomson, Office of Kern County Counsel.

4 Plaintiffs and Defendants are hereinafter collectively referred to as the “Parties.”

5 **IT IS HEREBY STIPULATED AND AGREED TO**, by and between the Parties,
6 through their respective counsel of record, that an Order be entered allowing Defendants to take
7 the deposition of Plaintiffs’ expert Scott DeFoe (hereinafter “DeFoe”), on Monday, September
8 19, 2016 which is one business day later than the expert witness discovery deadline of Friday,
9 September 16, 2016, as set forth in the recent Court Order.

10 1. The Parties have repeatedly met and conferred regarding expert witness discovery
11 matters in an effort to resolve expert discovery issues, including deposition scheduling.

12 2. Plaintiffs intend to take Dr. Mohandie’s deposition on Friday, September 16, 2016.
13 Defendants had noticed DeFoe’s deposition for September 15, 2016, but DeFoe is scheduled to
14 be in Atlanta, Georgia for expert testimony and is not scheduled to return to LAX until the late
15 afternoon or early evening of Friday, September 16, 2016. The Parties have been able to
16 schedule the deposition of all other expert witnesses within the initial deadline established by
17 the Court.

18 4. Defendants properly noticed, and renoticed, the deposition of expert DeFoe, however as
19 the result of DeFoe’s expert witness and trial testimony obligations and a scheduled vacation, along
20 with attorney schedule conflicts, his deposition cannot be completed prior to September 16, 2016.

21 5. In coordinating with the schedules of counsel, the Parties agree that counsel and DeFoe
22 will be available for, and complete, his deposition on September 19, 2016.

23 6. Nothing in this stipulation constitutes a waiver of any Parties’ right to challenge the
24 designation of DeFoe as an expert or to move to exclude any and all testimony by DeFoe.

25 7. The Parties do not believe that the requested continuance of the deposition testimony of
26 DeFoe will have any adverse impact on the Court’s Scheduling Orders.

27 8. In light of the Parties willingness to meet and confer, and in the spirit collegiality and
28 discovery, the Parties believe that good cause for the continuance has been shown.

1 9. The Parties respectfully request the Court's consideration of this request.

2 **THEREFORE, IT IS HEREBY STIPULATED:**

3 The deposition of Plaintiffs' expert Scott DeFoe may be noticed for, and taken on, a date
4 which is later than the September 16, 2016 scheduled conclusion of expert witness discovery,
5 but will be concluded on or before September 19, 2016.

6

7 Dated: September 14, 2016

CHAIN-COHN-STILES

8

9

By /s/ Neil K. Gehlawat

10

Matthew C. Clark

11

Neil K. Gehlawat

12

Attorneys for Plaintiffs

13 Dated: September 14, 2016

THERESA A. GOLDNER, COUNTY COUNSEL

14

15

By /s/ Andrew C. Thomson

16

Andrew C. Thomson, Deputy

17

Attorneys for Defendants County of Kern

18

and Deputy Reed

19

ORDER

20

Good cause appearing, the STIPULATION TO ALLOW DEPOSITION OF EXPERT
SCOTT DEFOE BEYOND EXPERT DISCOVERY DEADLINE DUE TO
21 UNCONTROLLABLE CIRCUMSTANCES AND SCHEDULING ISSUES in CASE NO.
22 1:15-CV-00760 JAM-JLT is hereby approved and adopted as the order of this Court.

23

24

Dated: September 14, 2016

/s/ John A. Mendez

25

HON. JOHN A. MENDEZ

26

UNITED STATES DISTRICT COURT JUDGE

27

#22U6562

28