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 6 ESTATE OF CHRISTOPHER MCDANIEL

7 MARK L. NATIONS, COUNTY COUNSEL  
 STATE OF CALIFORNIA  
 8 By: Marshall S. Fontes, Deputy (SBN 139567)  
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12 Attorneys for Defendants, County of Kern, Kern County Sheriff's Department,  
 13 Aaron Warmerdam and Jeffrey Kelly

14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA

16 THE ESTATE OF CHRISTOPHER )  
 17 MCDANIEL, CAMERON MCDANIEL, )  
 18 individually and as Successor in )  
 Interest to CHRISTOPHER )  
 19 MCDANIEL, DAMON MCDANIEL )  
 20 individually, and GUNNER MCDANIEL, )  
 individually, by and through his )  
 21 *Guardian Ad Litem* CATHY LOWELL )

Case No.: 1:15-CV-01320-JAM-JLT

STIPULATION TO AUGMENT  
 SCHEDULING ORDER

22 Plaintiff,

23 vs.

25 COUNTY OF KERN, KERN COUNTY )  
 26 SHERIFF'S DEPARTMENT, AARON )  
 WARMERDAM, JEFFREY KELLEY, )  
 27 and DOES 1 THROUGH 25, )  
 28 INCLUSIVE, )

Defendants

1 TO THE HONORABLE COURT:

2 This stipulation is entered into by and between the plaintiffs and the  
3 defendants, by and through their respective counsel.

4 1. Despite the diligence of counsel, the parties have not been able to  
5 complete all depositions necessary to be properly prepared for trial. Counsel  
6 have recently become aware of the registered owner of the firearm at issue in this  
7 case. This registered owner informed counsel for the defense that his firearm  
8 was stolen from his residence in 2012, and he identified the individual whom he  
9 reported to the Bakersfield Police Department as the offending party. All counsel  
10 have indicated a desire to depose these individuals.

11 2. Plaintiffs noticed a physical inspection of the weapon allegedly used  
12 by the decedent during the incident and of decedent's clothing. Despite the  
13 diligence of counsel, the inspection was not able to be conducted prior to the  
14 March 3, 2017 discovery cut-off deadline. It is necessary that this inspection  
15 occur prior to the preparation of Plaintiffs' Rule 26 report.

16 3. The deadline to complete expert witness disclosures was previously  
17 continued by the Court to March 3, 2017. However, the parties have not been  
18 able to complete expert witness reports as a result of the delay of the physical  
19 inspection of the gun and of decedent's clothing. The inability to complete this  
20 discovery described above was not the result of any action of counsel.

21 4. The parties have been cooperating and informally extending  
22 disclosure deadlines while attempting to schedule necessary depositions and  
23 inspections.

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25 ///

26 ///

1 5. Based on the forgoing, the parties agree through counsel to amend the  
2 scheduling order as follows:

3 Fact Discovery Cut-Off: From January 31, 2017 to April 21,  
4 2017  
5 Expert Disclosure From February 13 to May 1, 2017  
6 Supplemental Expert Disclosure: From February 27, 2017 to May 15,  
7 2017  
8 Expert Discovery Cut-Off: From March 6, 2017 to May 22, 2017

9 6. The parties further stipulate that no dispositive motions will be filed in  
10 this matter. As such, parties do not seek any additional modification of the dates  
11 set forth in the scheduling order filed on December 13, 2016 as Document 31.

12 NOW THEREFORE, IT IS HEREBY STIPULATED by the Parties, subject to  
13 approval by this Court that the Scheduling Order be amended as set forth above.

14 DATED: March 30, 2017

**LAW OFFICE OF MICHAEL J. CURLS**

15 By: \_\_\_\_\_ /s/  
16 Nichelle D. Jones, Attorneys for  
17 Plaintiffs THE ESTATE OF  
CHRISTOPHER MCDANIEL, *et al.*

18  
19 DATED: March 30, 2017

**MARK L. NATIONS, COUNTY COUNSEL**

20 By: \_\_\_\_\_ /s/  
21 Marshall S. Fontes, Deputy  
22 Kathleen S. Rivera, Deputy  
Attorneys for Respondents

23 **ORDER**

24 PER STIPULATION OF COUNSEL, IT IS HEREBY ORDERED that the  
25 Scheduling Order is Amended as proposed.

26 DATED: 3/30/2017

27 \_\_\_\_\_  
28 /s/ John A. Mendez  
United States District Court Judge