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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 FRANKIE CALVIN WILLIAMS,) Case No. 1:15-cv-01347 DAD JLT
11 Plaintiff,)
12 v.) STIPULATION TO ALLOW THE
DEPOSITION OF DR. COPPOLA;
13 UNITED STATES OF AMERICA,) [PROPOSED] ORDER
14 Defendants.) (Doc. 33)
15)
16)

17 Plaintiff Frankie Calvin Williams (“Plaintiff”), and Defendant United States (“Defendant”),
18 (collectively “the parties”), stipulate, by and through their undersigned counsel, and request that the
19 time to take the deposition of Dr. Alfred Coppola be extended past the discovery cutoff of November
20 21, 2016.

21 The United States requested deposition dates for Dr. Coppola, Plaintiff’s treating physician,
22 since at least September 21, 2016. Deposition dates were not immediately provided because the
23 parties attempted a settlement conference with the Court on October 21, 2016, which was not
24 successful. Afterward, the Plaintiff indicated that he would notice the deposition of Dr. Coppola and,
25 in fact, on October 31, 2016, set the deposition for November 17, 2016. On or about Monday,
26 November 14, 2016, plaintiff’s counsel became aware that Dr. Coppola did not wish to have his
27 deposition on that date. This led to Plaintiff’s decision to withdraw the deposition notice, and a
28 meet and confer between the parties pursuant to Rule 37 of the Federal Rules of Civil Procedure. The

1 parties would like to accommodate Dr. Coppola's schedule and take his deposition at a time more
2 convenient to him, but the discovery cutoff is November 21, 2016.

3 Accordingly, the parties stipulate and agree that they should be allowed to take Dr. Coppola's
4 deposition within the next 60 days, which is enough flexibility to account for the holidays and Dr.
5 Coppola's schedule. This is not a material alteration of the scheduling order and no other
6 adjustments to the schedule or the order are contemplated. The parties request the court to endorse
7 this stipulation by way of formal order.

8 Respectfully submitted,

9 Dated: November 17, 2016

PHILLIP A. TALBERT
Acting United States Attorney

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11 By: /s/Jeffrey J. Lodge
JEFFREY J. LODGE
Assistant U.S. Attorney
Attorneys for the United States

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13
14 Dated: November 17, 2016

CHAIN COHN STILES

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16 By: /s/Matthew C. Clark
MATTHEW C. CLARK
Attorneys for Plaintiff

17
18 ~~[PROPOSED]~~ ORDER

19 Having reviewed the stipulation submitted by the parties, the parties SHALL take the
20 deposition of Dr. Coppola, if at all, no later than January 16, 2017. No other amendments to the
21 case schedule are authorized.

22
23 IT IS SO ORDERED.

24 Dated: November 17, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE