

1 MARGO A. RAISON, COUNTY COUNSEL  
2 By: Kathleen S. Rivera, Deputy (SBN 211606)  
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 Defendant County of Kern

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 MARK MCGOWAN, INDIVIDUALLY ) Case No.: 1:15-cv-01365 DAD SKO  
12 AND AS SUCCESSOR-IN-INTEREST TO )  
13 NANCY JOYCE GARRETT, )  
14 DECEASED; DEBORAH BLANCO, )  
15 INDIVIDUALLY AND AS SUCCESSOR- ) JOINT STIPULATION FOR  
16 IN-INTEREST TO NANCY JOYCE ) CONTINUANCE OF CERTAIN  
17 GARRETT; ) SCHEDULED DATES

18 Plaintiffs, )  
19 )  
20 )

21 v. )  
22 )  
23 )

24 COUNTY OF KERN, a municipality; )  
25 NICHOLAS JOHN CLERICO, an )  
26 individual; and DOES 1 – 100; )  
27 )  
28 )

Respondents. )

JOINT STIPULATION

COME NOW the parties to this action jointly, through their respective attorneys of record, and stipulate as follows:

1. This case was previously scheduled to begin jury trial on April 21, 2020. (Doc. 112).

1           2.       On October 17, 2019, this court issued a minute order, continuing the jury trial  
2 to May 5, 2020, due to the unavailability of the court. (Doc. 117).

3           3.       Counsel for defendant Nicholas Clerico has a conflict with the new trial date of  
4 May 5, 2020. Specifically, counsel for defendant Clerico is beginning a jury trial in Tulare  
5 Superior Court on May 18, 2020, lasting two weeks, followed by a jury trial in Fresno  
6 Superior Court on June 1, 2020 lasting two weeks.

7           4.       All parties agree that good cause exists to amend the scheduling order to allow  
8 a short continuance of the scheduled jury trial in order to accommodate counsel's conflict.  
9

10           5.       The parties propose a new trial date of **July 14, 2020**.

11           6.       Given the new trial date, the parties further stipulate that good cause exists to  
12 continue the dates for filing of dispositive and non-dispositive motions for the following  
13 reasons:  
14

15                   •The parties previously mediated this case with a private mediator in May of  
16 2017, which was unsuccessful;

17                   •The parties wish to mediate this case again, and have been in contact with  
18 Magistrate Oberto's chambers regarding using Judge Friedman of the Kern County  
19 Superior Court as a mediator. Unfortunately Judge Friedman has informed the parties  
20 he is not able to mediate the matter, and the parties are currently conferring to choose  
21 a mediator;  
22

23                   •The parties wish to avoid the time and expense of drafting dispositive and  
24 non-dispositive motions until after they have exhausted their settlement efforts;  
25

26                   •The parties stipulate and request the court to set a new deadline of January 14,  
27 2020, for the filing of dispositive and non-dispositive motions.  
28

1           7.       The parties further stipulate and request the court to **VACATE** and reset in  
2 accordance with the court's calendar the scheduled dates for: hearings for non-dispositive  
3 motions and dispositive motions, the settlement conference and the pre-trial conference.

4           8.       The parties therefore stipulate and propose the following amendments to the  
5 case schedule in this matter:  
6

<b>Event/Deadline</b>	<b>Existing Date</b>	<b>Stipulated New Date</b>
Non-Dispositive motions-Filing	November 5, 2019	January 14, 2020
Dispositive motions-Filing	November 5, 2019	January 14, 2020
Non-Dispositive Motion-Hearing	December 4, 2019	To be set by court
Dispositive Motion-Hearing	December 17, 2019	To be set by court
Settlement Conference	June 9, 2020	To be set by court
Pre-Trial Conference	February 24, 2020	To be set by court
Trial	May 5, 2020	July 14, 2020

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20           9.       A proposed order is submitted herewith. The parties jointly request that the  
21 Court enter the proposed order.

22           SO STIPULATED.

23  
24 Dated: October 30, 2019

MARGO A. RAISON, COUNTY COUNSEL

25  
26 By: /S/ Kathleen S. Rivera  
27 Kathleen S. Rivera, Deputy  
28 Attorneys for Defendant County of Kern

1 Dated: October 30, 2019

CHAIN, COHN, STILES

2

3

By: /S/ Matthew C. Clark

MATTHEW C. CLARK

Attorney for the Plaintiffs

4

5

Dated: October 30, 2019

THE LAW OFFICE OF THOMAS C. SEABAUGH

6

7

By: /S/ Thomas C. Seabaugh

THOMAS C. SEABAUGH

Attorney for the Plaintiffs

8

9

10 Dated: October 30, 2019

WEAKLEY & ARENDT, LLP

11

12

By: /S/ James Weakley

JAMES D. WEAKLEY

Attorney for Defendant Clerico

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 **ORDER**

2 Pursuant to the parties' above stipulation, (Doc. 118), for good cause shown, the  
3 scheduling order dates are MODIFIED as follows:  
4

5

Event	Prior Date	Continued Date
Non-Dispositive Motion Filing	November 5, 2019	January 14, 2020
Non-Dispositive Motion Hearing	December 4, 2019	February 12, 2020
Dispositive Motion Filing	November 5, 2019	January 14, 2020
Dispositive Motion Hearing	December 17, 2019	March 3, 2020
Settlement Conference	January 9, 2020	March 24, 2020, at 10:30 a.m.
Pretrial Conference	February 24, 2020	May 18, 2020, at 1:30 p.m.
Trial	May 5, 2020	July 14, 2020, at 8:30 a.m.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15

16  
17  
18 IT IS SO ORDERED.

19 Dated: November 4, 2019

/s/ Sheila H. Oberto  
UNITED STATES MAGISTRATE JUDGE