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13 *Attorneys for Plaintiffs*

14 **UNITED STATES DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**

16 MARK McGOWAN, et al.,

17 Plaintiffs,

18 vs.

19 COUNTY OF KERN, et al.,

20 Defendants.

Case No. 1:15-cv-01365-DAD-SKO

**JOINT STIPULATION
REGARDING DEADLINE TO FILE
MOTION TO AMEND; ORDER**

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

24 1. Plaintiffs noticed the deposition of Defendant Nicholas Clerico for
25 September 13, 2016. Defendants have proposed to postpone Defendant Clerico's
26 deposition until after his criminal trial. Defendant Clerico's criminal trial is
27 scheduled for November 7, 2016, and is expected to last two weeks. Defendant
28 Clerico will assert his Fifth Amendment right until the conclusion of the criminal

1 trial. Defendant Clerico intends to file a motion to stay the taking of his deposition
2 if Plaintiffs do not voluntarily agree. Non-expert discovery is currently scheduled to
3 close on January 2, 2017.

4 2. Regarding the scheduling of Clerico's deposition, Plaintiffs have a
5 concern related to the deadline to file Plaintiffs' motion to amend, currently
6 scheduled at November 14, 2016. Plaintiffs believe that it is necessary for Defendant
7 Clerico's deposition to be taken before they prepare and file their motion to amend.
8 To give time for the deposition to be scheduled, for a transcript to be prepared, and
9 for the motion to amend to be prepared based on the transcript, Plaintiffs propose an
10 extension of the motion to amend deadline by around 60 days. If this proposal is
11 accepted, then Defendant Clerico's deposition can be rescheduled without prejudice
12 to any party.

13 3. Accordingly, the parties jointly request an extension of the motion to
14 amend deadline to January 14, 2017. Good cause is based on Defendant Clerico's
15 criminal trial schedule and his intention to invoke the Fifth Amendment. Further, no
16 party will be prejudiced by the proposal, and the continuance will ensure that each
17 side has a fair opportunity to conduct discovery. Finally, the requested continuance
18 is not excessive, the request is made well in advance of the deadline that is requested
19 to be continued, and no other dates or deadlines will be disturbed.

20 4. In the event that Defendant Clerico's criminal trial is continued for any
21 reason – a factor over which the parties have no control – the parties may request
22 additional relief.

23 5. A proposed order is submitted herewith. The parties jointly request that
24 the Court enter the proposed order.

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SO STIPULATED.¹

DATED: August 30, 2016

LAW OFFICE OF THOMAS C. SEABAUGH

By /s/ Thomas C. Seabaugh
Thomas C. Seabaugh
Attorneys for Plaintiffs

DATED: August 30, 2016

THERESA A. GOLDNER, COUNTY COUNSEL

By /s/ Kathleen Rivera
Kathleen Rivera, Deputy County Counsel
Attorneys for Defendant County of Kern

DATED: August 30, 2016

WEAKLEY & ARENDT, LLP

By /s/ Leslie Dillahunty
Leslie Dillahunty
Attorneys for Defendant Clerico

¹ The signatures of attorneys Leslie Dillahunty and Kathleen Rivera on this stipulation were authorized by emails dated August 30, 2016.

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ORDER

Based on the above stipulation, and good cause having been shown under Fed. R. Civ. 16(b)(4), the Court hereby GRANTS the parties' request to modify the Scheduling Order (Doc. 49). Any motions or stipulations requesting leave to amend the pleadings must be filed by no later than January 14, 2017.

This modification does not change any other existing scheduling deadlines, including the pretrial conference and trial dates.

IT IS SO ORDERED.

Dated: August 31, 2016

/s/ Sheila H. Oberto
UNITED STATES MAGISTRATE JUDGE