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 18 **and DONNY YOUNGBLOOD**

19 **UNITED STATES DISTRICT COURT**
 20 **EASTERN DISTRICT OF CALIFORNIA**

17 WESTON ANTHONY SMITH,	}	CASE NO: 1:15-cv-01749-MCE-JLT
18	}	
Plaintiff,	}	STIPULATION AND ORDER FOR 60 DAY
19	}	CONTINUANCE
vs.	}	OF DISCOVERY CUTOFF DATES
20	}	
COUNTY OF KERN, a public entity,	}	
21 DONNY YOUNGBLOOD, an individual	}	
22	}	
Defendants.	}	
23	}	

24

25 Plaintiff, Weston Anthony Smith, and Defendants, County of Kern and Donny

26 Youngblood, have met and conferred through their respective attorneys of record, and now make

27 this joint stipulated request of the Court:

28

1 **WHEREAS**, the Court’s Order of July 31, 2017 (*Docket No. 44*) has set the discovery
2 cutoff dates in this matter, as follows:

3 “All discovery, with the exception of expert discovery, shall be completed by **Monday,**
4 **January 15, 2018;**

5 All counsel are to designate in writing, file with the Court, and serve upon all other
6 parties the name, address, and area of expertise of each expert they propose to tender at trial not
7 later than **Thursday, March 15, 2018;**

8 The last day to hear dispositive motions shall be **Thursday, April 5, 2018.**”

9 **WHEREAS**, Marshall S. Fontes, the attorney responsible for the representation of
10 defendants, County of Kern and Sheriff Donny Youngblood, has been diagnosed with a
11 herniated disc at the L4/5 level of the lumbar spine and has been receiving, and continues to
12 receive treatment through a series of epidural injections;

13 **WHEREAS**, Mr. Fontes’ back condition has now exacerbated an arthritic knee for
14 which a knee replacement surgery is being scheduled in early December of 2017, and it is
15 anticipated that he will be out of the office to recover from this procedure for approximately 6 to
16 8 weeks thereafter,

17 **WHEREAS**, the parties have diligently been proceeding with discovery, having
18 performed an inspection of the Lerdo Facility, having exchanged a considerable amount of
19 written discovery and production of records relating to issues of both liability and damages,
20 having subpoenaed third party records regarding plaintiff’s damages, having completed the
21 depositions of witnesses that were on duty at the time of incident and/or were involved in its
22 investigation, including Deputies A. Gonzalez, Rivero, Dobbs and Harbour, and having partially
23 completed the depositions of County’s persons most qualified on issues involving AB109,
24 classification, gangs and training;

25 **WHEREAS**, there remains a significant amount of discovery to be completed, including
26 depositions of other persons most qualified on topics including the layout of the Lerdo barracks,
27 the intake process of plaintiff at Lerdo upon his arrival, the completion of the County’s person
28 most knowledgeable deposition on County’s on training, gangs and AB109, as well as the

1 depositions of plaintiff, his family members and treating medical providers and possibly a
2 defense medical examination of plaintiff;

3 **WHEREAS**, the existing deadlines are very problematic in light of the above described
4 circumstances, and would be prejudicial to the parties, and the interests of justice would be
5 served by an extension of time allowing both sides to complete discovery and to allow
6 defendants to have the full participation of Mr. Fontes in this process.

7 NOW THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES,
8 THROUGH THEIR RESPECTIVE COUNSEL AS FOLLOWS:

9 THAT GOOD CAUSE EXISTS TO CONTINUE ALL DATES:

10 That the dates set forth in the Court's order on July 31, 2017 shall be continued
11 approximately 60 days allowing both sides to properly complete discovery and to allow
12 defendants to have the full participation of Mr. Fontes in this process and in the litigation.

13 All discovery, with the exception of expert discovery, shall be completed by **Monday**
14 **March 26, 2018**;

15 All counsel are to designate in writing, file with the Court, and serve upon all other
16 parties the name, address, and area of expertise of each expert they propose to tender at trial not
17 later than **Thursday, May 17, 2018**;

18 The last day to hear dispositive motions shall be **Monday, June 4, 2018**.

19 **SO STIPULATED**

20 DATED: November 15, 2017

LAW OFFICES OF RALPH B. WEGIS

21 /s/ Ralph B. Wegis

22 RALPH B. WEGIS

23 Attorneys for Plaintiff,

WESTON ANTHONY SMITH

24
25 DATED: November 15, 2017

OFFICE OF THE COUNTY COUNSEL

26 /s/ Marshall S. Fontes

27 MARSHALL S. FONTES,

28 Attorneys for Defendants, COUNTY OF KERN,
and DONNY YOUNGBLOORDER

1 For GOOD CAUSE shown, and based upon the mutual Stipulation of all parties to this
2 action, the Court hereby continues the following dates:

3 All discovery, with the exception of expert discovery, shall be completed by **Monday**
4 **March 26, 2018;**

5 All counsel are to designate in writing, file with the Court, and serve upon all other
6 parties the name, address, and area of expertise of each expert they propose to tender at trial not
7 later than **Thursday, May 17, 2018;**

8 The last day to hear dispositive motions shall be **Thursday, June 7, 2018.**

9 **IT IS SO ORDERED.**

10 **Dated: November 27, 2017**

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12 
13 MORRISON C. ENGLAND, JR.
14 UNITED STATES DISTRICT JUDGE
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