

1 WOULD REMAIN INTACT AND UNCHANGED.

2 **WHEREAS:** the Court’s initial scheduling order of February 29, 2016, provided that
3 “All counsel are to designate in writing, file with the Court, and serve upon all other parties the
4 name, address, and area of expertise of each expert that they propose to tender at trial ... The
5 designation shall be accompanied by a written report prepared and signed by the witness. The
6 report shall comply with Fed. R. Civ. P. 26(a)(2)(B)”; and

7 **WHEREAS:** On or about November 5, 2018, the Court ordered that “All counsel are to
8 designate in writing, file with the Court, and serve upon all other parties the name, address, and
9 area of expertise of each expert they propose to tender at trial not later than Thursday, March 21,
10 2019”; and that “Given the number of extensions in this matter that have already been granted,
11 the parties are admonished that no further requests for extensions in this matter will be
12 considered”; and

13 **WHEREAS:** Based on the language of the Court’s November 5, 2018, Order, the
14 parties are uncertain as to whether they are required to submit the written report required by Fed.
15 R. Civ. P. 26(a)(2)(B), or instead to file with the Court, and serve upon all other parties the name,
16 address, and area of expertise of each expert they propose to tender at trial; and

17 **WHEREAS:** Charles Hinkin, Ph.D., a neuro-psychologist, the retained expert to be
18 designated by the Defendants, will be unable to provide the written report required by Fed. R.
19 Civ. P. 26(a)(2)(B) because he has been unable perform an independent medical examination of
20 the Plaintiff due to scheduling difficulties, as set forth in the supporting declaration, and the
21 earliest the examination could be set is March 21, 2019; and

22 Whereas: The Court’s Order of February 29, 2016, provided that “[a]ll experts
23 designated are to be fully prepared at the time of designation to render an informed opinion, and
24 give their bases for their opinion, so that they will be able to give full and complete testimony at
25 any deposition taken by the opposing party. Experts will not be permitted to testify at the trial as
26 to any information gathered or evaluated, or opinion formed, after deposition taken subsequent to
27 designation”; and

28 **WHEREAS:** Out of an abundance of caution, and in the interests of justice, the parties
do not wish to prejudice their rights or disobey the Court by submitting only the “name, address,

1 and area of expertise of each expert they propose to tender at trial” as set forth in the Court’s
2 November 5, 2018, Order, if the Court intended that “[t]he designation shall be accompanied by
3 a written report prepared and signed by the witness. The report shall comply with Fed. R. Civ. P.
4 26(a)(2)(B)” as set forth in the Court’s initial scheduling order of February 29, 2016; and

5 **WHEREAS:** Counsel have met and conferred and are scheduling Plaintiff’s
6 examination with Dr. Hinkin on March 21, 2019, the extension of the initial disclosure date to
7 April 3, 2019, would allow the Defendants’ expert to prepare a written report in compliance
8 with Fed. R. Civ. P. 26(a)(2)(B) , leaving all other dates unchanged and intact, including the
9 supplemental expert disclosure which is scheduled for April 10, 2019:

10 NOW THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES,
11 THROUGH THEIR RESPECTIVE COUNSEL THAT GOOD CAUSE EXISTS TO
12 CONTINUE ALL DATES AS FOLLOWS:

13 That the initial disclosure of expert witnesses shall be served and filed on April 3, 2019.
14 Supplemental expert disclosure shall remain due 20 days from March 21, 2019, by April 10, 2019.

15 DATED: March __, 2019

LAW OFFICES OF RALPH B. WEGIS

16 /s/ Ralph B. Wegis
17 RALPH B. WEGIS
18 Attorneys for Plaintiff,
19 WESTON ANTHONY SMITH

20 DATED: March __, 2019

MARGO A. RAISON, COUNTY COUNSEL

21 /s/ Marshall S. Fontes
22 MARSHALL S. FONTES,
23 Attorneys for Defendants, COUNTY OF KERN,
24 and DONNY YOUNGBLOOD

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ORDER

Good cause having been shown, and based upon the mutual Stipulation of all parties to this action, the Court hereby orders that the initial disclosure of expert witnesses shall be served and filed on April 3, 2019. Supplemental expert disclosure shall remain due 20 days from March 21, 2019, by April 10, 2019.

IT IS SO ORDERED.

Dated: March 13, 2019


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE