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17 **Attorneys for Defendants, COUNTY OF KERN**
 18 **and DONNY YOUNGBLOOD**

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

21 WESTON ANTHONY SMITH,
 22 Plaintiff,
 23 vs.
 24 COUNTY OF KERN, a public entity,
 25 DONNY YOUNGBLOOD, an individual
 26 Defendants.

27 CASE NO: 1:15-cv-01749-MCE-JLT
 28 **STIPULATION AND ORDER TO CONTINUE
 DATE FOR INITIAL DISCLOSURE OF
 EXPERT WITNESSES TO MAY 17, 2019
 AND THE DATE FOR SUPPLEMENTAL
 EXPERT DISCLOSURE TO JUNE 6, 2019
 DUE TO ATTORNEY DEATH;
 DECLARATION OF RALPH B. WEGIS IN
 SUPPORT THEREOF**

29 Plaintiff, Weston Anthony Smith, and Defendants, County of Kern and Donny
 30 Youngblood, have met and conferred through their respective attorneys of record, and
 31 hereby make this joint stipulated request of the Court that the current case schedule be
 32 amended to continue the date for the initial disclosure of expert witnesses to May 17,
 33 2019, from the presently scheduled date of May 3, 2019, and the disclosure of

1 supplemental expert witnesses to June 6, 2019, from the presently scheduled date of
2 May 23, 2019, as set forth below. ALL OTHER SCHEDULED DATES WOULD
3 REMAIN INTACT AND UNCHANGED.

4 **WHEREAS:** This request for a continuance is based upon an unexpected crisis
5 involving the death of Plaintiff's counsel Barry E. Rosenberg on April 23, 2019. Mr.
6 Rosenberg had been ill, but his final, fatal illness was unexpected. Up until his final
7 hospitalization, Mr. Rosenberg had been the primary attorney for the Plaintiff
8 responsible for interacting with Plaintiff's expert witnesses; and

9 **WHEREAS:** Mr. Rosenberg's death required Mellissia Henson, the paralegal for
10 Plaintiff's attorneys, to travel to Florida to handle the final details of his passing.
11 Because Mr. Rosenberg died unexpectedly, his papers and files were not organized as
12 they would have been had he had time to plan for passing them on. Ms. Henson had to
13 locate those files relating to expert work on this case, and in some cases could not
14 determine where Mr. Rosenberg had maintained those files; and

15 **WHEREAS:** Under these extraordinary circumstances, counsel have met and
16 conferred and agree to continue the dates for expert disclosure by two weeks by
17 continuing the date for initial disclosure of expert witnesses from May 3, 2019 to May
18 17, 2019, and the date for supplemental expert disclosure from May 23, 2019 to June 6,
19 2019, leaving all other dates unchanged and intact;

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

23 That the initial disclosure of expert witnesses shall be served and filed on May
24 17, 2019. Supplemental expert disclosure shall be served and filed on June 6, 2019.

25 DATED: May 2, 2019

LAW OFFICES OF RALPH B. WEGIS

26 /s/ Ralph B. Wegis

27 RALPH B. WEGIS

Attorneys for Plaintiff,

28 WESTON ANTHONY SMITH

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DATED: May 2, 2019

MARGO A. RAISON, COUNTY COUNSEL

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

ORDER

For GOOD CAUSE shown, and based upon the mutual Stipulation of all parties to this action, the Court hereby orders that:

That the initial disclosure of expert witnesses shall be served and filed on May 17, 2019. Supplemental expert disclosure shall be due by June 6, 2019.

IT IS SO ORDERED.

Dated: May 6, 2019


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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8 **Attorneys for Plaintiff,**
9 **WESTON ANTHONY SMITH**

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 WESTON ANTHONY SMITH,

13 Plaintiff,

14 vs.

15 COUNTY OF KERN, a public entity,
16 DONNY YOUNGBLOOD, an individual

17 Defendants.

CASE NO: 1:15-CV-01749-MCE-JLT

**DECLARATION OF RALPH B. WEGIS IN
SUPPORT OF STIPULATION TO
CONTINUE DATE FOR INITIAL
DISCLOSURE OF EXPERT WITNESSES
TO MAY 17, 2019 AND THE DATE FOR
SUPPLEMENTAL EXPERT DISCLOSURE
TO JUNE 6, 2019 DUE TO ATTORNEY
DEATH**

18 I, RALPH B. WEGIS, declare as follows:

19 1. I am an attorney at law duly licensed to practice before all of the state and
20 federal courts located within the State of California. In the above captioned litigation, I
21 represent Plaintiff Weston Anthony Smith.

22 2. Plaintiff's counsel Barry E. Rosenberg died suddenly on April 23, 2019,
23 in Florida. Mr. Rosenberg had been ill, but his final, fatal illness was unexpected. Up
24 until his final hospitalization, Mr. Rosenberg had been the primary attorney for the
25 Plaintiff responsible for interacting with Plaintiff's expert witnesses.

26 3. Mr. Rosenberg's death required my paralegal, Mellissia Henson, to travel
27 to Florida to handle the final details of his passing. Because Mr. Rosenberg died
28 unexpectedly, his papers and files were not organized as they would have been had he

1 had time to plan for passing them on. Ms. Henson had to locate those files relating to
2 expert work on this case, and in some cases could not determine where Mr. Rosenberg
3 had maintained those files.

4 4. I have met and conferred with defense counsel and all counsel agree that
5 good cause exists to continue the expert designation deadlines in this matter by two
6 weeks, so that the initial disclosure of expert witnesses shall be served and filed on
7 May 17, 2019 and the supplemental expert disclosure shall be due by June 6, 2019.

8 9. Based upon the foregoing, it is respectfully submitted that good cause
9 exists to move the expert designation date from May 3, 2019 to May 17, 2019, and the
10 supplemental designation from May 23, 2019 to June 6, 2019. No party would be
11 prejudiced by this extension, and all other scheduling dates would remain intact and
12 unchanged.

13 I declare under the penalty of perjury under the laws of the United States of
14 America and the State of California that the foregoing is true and correct.

15 Executed this 2nd day of May, 2019, in Bakersfield, California.

16 /s/ Ralph B. Wegis
17 Ralph B. Wegis

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