

Edward J. Johnson (SBN 234205)
 Attorney at Law
 5622 Heddon Court
 Mariposa, CA 95338
 559-760-7659
 edjohnson@sti.net

Attorney in Pro Se

**UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF CALIFORNIA**

EDWARD J. JOHNSON,)	Case No.: 1:15-CV-01793-MJS
)	
Plaintiff,)	JOINT STIPULATION
)	AND ORDER TO REQUEST TO AMEND
vs.)	SCHEDULING ORDER TO EXTEND
)	TIME FOR DISCOVERY AND
GERALD JOHNSON,)	SUBSEQUENT ACTIONS,
)	
Defendant.)	

IT IS HEREBY STIPULATED that the parties to this litigation, by and through their respective attorneys of record, hereby request, and stipulate and agree to, an amendment to the First Amended Scheduling Order, ECF No. 74, to extend the time for discovery, and all other subsequent actions, by six months, pursuant to Local Rule 144. Discovery pertaining to non-experts is currently ordered to be completed by February 2, 2018.

Good cause for the request is shown by the following. Neither Plaintiff nor Defendant have begun planned depositions, caused in part by a continuing discovery dispute between the parties which must be resolved in order to properly prepare for those depositions. Many of those depositions will be conducted on the East Coast and will require substantial preparation.

The parties to this litigation have been embroiled in a discovery dispute since Plaintiff propounded discovery requests upon Defendant on August 2, 2017. The parties met several times in good faith to resolve the dispute, including a Telephonic Discovery Dispute Conference conducted by the Court on November 14, 2017. Resolution was not achieved following the Conference and Plaintiff filed a Motion to Compel on December 13, 2017. Pursuant to the Court's Minute Order on the Telephonic Discovery Dispute Conference, the Motion to Compel

1 included Points and Authorities on the question of bifurcating the case so as to conduct trial only
2 on selected issues with discovery on other issues and claims to be conducted at a later time.

3 Pending the outcome of the discovery dispute, and any change in direction for future
4 discovery by any bifurcation Order from the Court, both parties have delayed further discovery
5 and, in particular, depositions of the parties and key witnesses. Regardless of the outcome of any
6 Order of the Court on the Motion to Compel and question of bifurcation, each party will need to
7 re-formulate their discovery plan pursuant to the Court's pending Order. As Plaintiff's initial
8 discovery request precipitating this dispute was in August 2017, Plaintiff's discovery requests,
9 and Defendant's discovery responses, have been uncertain for six months. The Parties request
10 that the Scheduling Order be amended to allow a six month period to be added to the Scheduling
11 Order timetable for discovery deadlines and all subsequent deadlines.

12 IT IS FURTHER STIPULATED that this stipulation may be signed in counterparts.

13 Respectfully Submitted,

14 Dated: 1/30/18

By: _____/s/ Edward J. Johnson_____
Edward J. Johnson
Plaintiff's Attorney in Pro Se

16 Dated: 1/30/18

17 By: _____/s/ Douglas M. Larsen_____
18 Douglas M. Larsen
19 Fishman, Larsen, & Callister
20 Attorney for Defendant

21 **ORDER**

22 Based on the Joint Stipulation of the parties, and good cause appearing therefor, **IT IS**
23 **ORDERED** that the First Amended Scheduling Order be and hereby is AMENDED to extend all
24 discovery and other unexpired deadlines and dates by a period of at least six months, the precise
25 dates and deadlines to be determined hereafter.

26 IT IS SO ORDERED.

27 Dated: January 30, 2018

28 /s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE