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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**

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8 CYNTHIA RIVERA-MARTINEZ and  
ARTURO MARTINEZ,

9 **Plaintiffs,**

10 v.

11 KERN COUNTY; KERN COUNTY  
12 DEPARTMENT OF HUMAN SERVICES;  
13 SOCIAL WORKER STEPHANIE MEEK,  
individually; and DOES 1 through 100,  
inclusive,

14 **Defendants.**

Case No.: 1-16-cv-00062-SEH

**ORDER**

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16 On September 12, 2017, the Court issued its Order setting a hearing to address matters  
17 “related to conduct of trial, witnesses to be called to testify at trial, discovery responses to be  
18 introduced into evidence at trial, deposition testimony to be offered at trial and exhibits to be  
19 offered at trial.” (Doc. No. 144.)

20 On September 12, 2017, Plaintiffs filed a designation of portions of the May 23, 2017,  
21 deposition of Julian J. Dominguez (“Dominguez”) to be offered as evidence at trial. (Doc. No.  
22 145.)

23  
24 On September 14, 2017, Defendants filed objections to Plaintiffs’ deposition designations  
25 of Dominguez. (Doc. No. 146.)

26 On September 18, 2017, Plaintiffs filed their response to Defendants’ Dominguez’  
27 deposition objections. (Doc. No. 147.)  
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1 On October 3, 2017, Plaintiffs filed additional designations from the deposition of  
2 Dominguez to be offered at trial. (Doc. No. 152.)

3 At the October 12, 2017, hearing, the Court disclosed to counsel, for reasons stated on the  
4 record, its tentative conclusion that it was inclined to exclude from introduction at trial the  
5 entirety of Dominguez's May 23, 2017, deposition testimony. At that same hearing, Plaintiffs  
6 were accorded until October 20, 2017, in which to file amended designations of those portions of  
7 the Dominguez' deposition of May 23, 2017, that Plaintiffs maintained, in light of the Court's  
8 tentative rulings, would be admissible at trial. Defendants were to have until October 27, 2017, in  
9 which to file objections to the revisions. A further hearing to address and rule upon the proffered  
10 revisions would be set by further order of Court.

11 Plaintiffs did not comply or attempt to comply with the Court's Dominguez' deposition  
12 revision order due on October 20, 2017, or at all. Instead, they filed a Notice of Motion and  
13 Motion to Modify the Scheduling Order to Allow the Plaintiffs to File a Motion to Augment  
14 Their Expert Witness List, or to Designate a New Expert in Exchange for the Expert who Died;  
15 Memorandum of Points and Authorities and Declaration of Counsel in Support Thereof ("Motion  
16 to Modify") by which a modification of the existing pretrial schedule was sought by Plaintiffs,  
17 *inter alia*, to reopen discovery, to vacate and modify existing (and now past) pretrial deadlines, to  
18 file a motion to augment expert witness designations, or to be granted leave to designate a new  
19 expert witness to substitute for Julian J. Dominguez, deceased.

20 Stated reasons for Plaintiffs' request included that "review of Mr. Dominguez's deposition  
21 testimony revealed that it would not be sufficient to provide all of the opinions needed by the  
22 plaintiffs" and that the deposition transcript "only contained a portion of that which Mr.  
23 Dominguez was asked by the plaintiffs to testify about." (Doc. No. 159 at 3.)


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In the interest of facilitating address and resolution of issues presented by the Motion to Modify and notwithstanding any provisions of the Local Rules of the United States District Court, Eastern District of California to the contrary,

ORDERED:

Defendants shall file a response to Plaintiffs' Motion to Modify (Doc. No. 159) on or before October 27, 2017. A reply brief from Plaintiffs may be filed on or before November 3, 2017. The Court will set a hearing to address issues relevant to the Motion to Modify by further order of Court.

DATED this 24<sup>th</sup> day of October, 2017.

  
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SAM E. HADDON  
United States District Judge