



1 medical exam of Plaintiff Patricia Mugrauer. The parties decided to postpone the session until  
2 it could be held in a meaningful way, in order to avoid a wasted session, including both the  
3 session time and the travel time expended for counsel and the parties to attend a session in  
4 Sacramento, where Mr. Kirby's office is located; counsel for Plaintiff would be traveling from  
5 San Francisco and Oakland, while Plaintiffs would be traveling from Modesto, and counsel for  
6 – and – Defendants would be traveling from Oakland and Modesto, respectively.

7 Local Rule 271(j)(1) provides, in relevant part that: "the session shall be held as soon as  
8 reasonably possible, but no more than ninety-one (91) days after the Neutral is selected, unless  
9 otherwise ordered by the Court[.]" Here, the VDRP session has not yet been held and will be  
10 held outside of these temporal parameters. The parties have met-and-conferred, however, and  
11 are aware of the general nature of the case and the issues presented. Additionally, key  
12 documents have been exchanged. The parties still wish to make a good faith effort at  
13 participating in VDRP. In the meantime, the parties have been and will continue to engage in  
14 discovery. Thus, extending the time period within which to complete VDRP under Local Rule  
15 271(j)(1) will advance the central purposes of Local Rule 271.

16 Additionally, the current Scheduling Order (Dkt. 13) sets **February 15, 2017** as the  
17 deadline for Expert Disclosures. The parties hope to complete the VDRP session well in  
18 advance of the exchange of Expert Disclosures, but if that cannot be done or if such disclosures  
19 are needed for a productive VDRP session to occur, an appropriate deadline by which to hold  
20 the VDRP session would be one week after this Expert Disclosures deadline, on **February 22,**  
21 **2017.**

22 Accordingly, based on the circumstances described above, the parties respectfully and  
23 jointly request that the Court issue a further order, extending the deadline within which to hold  
24 the VDRP session to **February 22, 2017.**

25 **WHEREFORE, THE PARTIES HEREBY STIPULATE** and respectfully request that  
the deadline within which to hold the VDRP session be extended to **February 22, 2017.**

All other deadlines and the Pretrial Conference and Trial dates would remain as set for the

1 time being, as discovery progresses.

2 Dated: November 10, 2016

Respectfully Submitted,

3 **LAW OFFICE OF SANJAY S. SCHMIDT**  
4 **and**  
5 **LAW OFFICES OF PANOS LAGOS**

6 /s/ Sanjay S. Schmidt

By: SANJAY S. SCHMIDT  
*Attorneys for Plaintiff*

7 Dated: November 10, 2016

Respectfully Submitted,

8 **MEYERS, NAVE, RIBACK, SILVER & WILSON**

9 /s/ Blake P. Loeb

10 By: BLAKE P. LOEBS  
11 *Attorneys for Defendants,*  
12 CITY OF MODESTO, GALEN CARROLL,  
and JOHN C. LEE

13 **ORDER**

14 Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that the Stipulated  
15 Request is granted, as set forth in the Stipulation above: the deadline within which to hold the  
16 VDRP session shall be extended to **February 22, 2017**.

17  
18 IT IS SO ORDERED.

19 Dated: November 10, 2016

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UNITED STATES MAGISTRATE JUDGE