UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

| PATRICIA MUGRAUER and WADE MUGRAUER, | Case No. 1:16-cv-00480-AWI-SAB ORDER RE STIPULATION TO EXTEND |
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| Plaintiffs, vs. CITY OF MODESTO, a municipal | TIME TO COMPLETE VOLUNTARY DISPUTE RESOLUTION PROGRAM (VDRP) UNDER LOCAL RULE 271 |
| corporation, Modesto Police Department Chief) GALEN CARROLL, in his Individual and Official Capacities, Modesto Police Officer JOHN C. LEE, Individually, and DOES 1 | |
| through 50, Jointly and Severally, Defendants. | |
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The parties respectfully submit the following Stipulation and Proposed Order:

STIPULATION

WHEREAS, the parties to the above-entitled action have agreed to participate in the Voluntary Dispute Resolution Program ("VDRP") and were referred to the program on July 5, 2016 (Dkt. 15). The parties selected a neutral from the list provided, one James R. Kirby II, Esq., and, once the parties were contacted by Mr. Kirby, a session was ultimately scheduled for September 28, 2016. Counsel for the parties met-and-conferred on numerous occasions after the date of the referral during the intervening time period leading up to the scheduled session, and the issues in the case were discussed. Unfortunately, it became apparent after the exchange of information that the City of Modesto Defendants would not be able to meaningfully engage in the VDRP mediation session until certain discovery was conducted, namely, a defense

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

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

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

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

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. | |
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| 2 | Dated: November 10, 2016 | Respectfully Submitted, |
| 3 | | LAW OFFICE OF SANJAY S. SCHMIDT |
| 4 | | and LAW OFFICES OF PANOS LAGOS |
| 5 | | /s/ Sanjay S. Schmidt |
| 6 | | By: SANJAY S. SCHMIDT Attorneys for Plaintiff |
| 7 | Dated: November 10, 2016 | Respectfully Submitted, |
| 8 | | MEYERS, NAVE, RIBACK, SILVER & WILSON |
| 9 | | /s/ Blake P. Loebs |
| 10 | | By: BLAKE P. LOEBS |
| 11 | | Attorneys for Defendants, CITY OF MODESTO, GALEN CARROLL, |
| 12 | | and JOHN C. LEE |
| 13 | ORDER | |
| 14 | Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that the Stipulated Request is granted, as set forth in the Stipulation above: the deadline within which to hold the VDRP session shall be extended to February 22, 2017 . | |
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| 18 | IT IS SO ORDERED. | SIP |
| 19 | Dated: November 10, 2016 | Jung N. Lase |
| 20 | | UNITED STATES MAGISTRATE JUDGE |
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