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12 Horizon Health and Subacute Center

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14 UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA
16 FRESNO DIVISION

17 REGINALD MADUAKO, AN INDIVIDUAL,

18 Plaintiff,

19 vs.

20 HORIZON HEALTH AND SUBACUTE, LLC,
21 A CALIFORNIA LIMITED LIABILITY
COMPANY DOING BUSINESS AS HORIZON
22 HEALTH AND SUBACUTE CENTER; AND
DOES 1 THROUGH 25, INCLUSIVE,

23 Defendants.
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CASE NO. 1:16-CV-00652-DAD-EPG

**STIPULATION, DECLARATION OF AMY R.
LOVEGREN-TIPTON TO MODIFY THE
SCHEDULING ORDER TO EXTEND
DEADLINES AND DATES**

**Complaint Filed: May 9, 2016
Trial Date: February 21, 2018**

28 Plaintiff Reginald Maduako and Horizon Health and Subacute, LLC dba Horizon Health and

1 Subacute Center, through their respective counsel, respectfully request the Court modify its pretrial
2 scheduling order (ECF No. 15) to extend the discovery and expert witness disclosure deadlines. Good
3 cause exists to extend such the discovery and expert witness disclosure deadlines.

4 1. The Parties request the Court extend the following deadlines for non-expert and expert
5 discovery, dispositive motions, Pretrial Conference, and Trial:

Event	Current Deadline/Date	Extended Deadline/Date
Non-expert Discovery Cutoff	April 7, 2017	June 16, 2017
Expert Disclosure	May 8, 2017	July 14, 2017
Rebuttal Expert Disclosure	June 8, 2017	August 14, 2017
Expert Discovery Cutoff	July 7, 2017	September 15, 2017
Dispositive Motion Filing	August 21, 2017	October 20, 2017
Pretrial Conference	December 18, 2017	February 19, 2018, at 1:30 p.m.
Trial	February 21, 2018	May 1, 2018, at 1:00 p.m.

17 2. The Parties further request that the Early Settlement Conference be rescheduled to June 20,
18 2017. The current conference date is March 30, 2017.

19 3. The parties have exchanged written discovery, including completion of initial disclosures.
20 Plaintiff's deposition has been taken, but not completed.

21 4. Plaintiff's counsel has recently determined it necessary to file a motion to substitute out as
22 counsel for Plaintiff. This has delayed Defendant's ability to complete Plaintiff's deposition, and
23 also necessitates the rescheduling of the Early Settlement Conference.

24 5. This is the Parties' first request to modify the Scheduling Order.

25 6. Therefore, pursuant to the Court's scheduling order (ECF No. 15) and Local Rule
26 143, the Parties herby submit this stipulation for modification of the pretrial scheduling order
27 (ECF No. 15).

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DATED: March 24, 2017

LAW OFFICE OF AMY R. LOVEGREN-TIPTON

By: /s/ Amy R. Lovegren-Tipton
AMY R. LOVEGREN-TIPTON
Attorneys for Plaintiff
REGINALD MADUAKO

DATED: March 24, 2017

KULUVA, ARMIJO & GARCIA

By: /s/ Edward Garcia
EDWARD GARCIA
Attorneys for Defendant
Horizon Health and Subacute, LLC dba
Horizon Health and Subacute Center

1 **DECLARATION OF AMY R. LOVEGREN-TIPTON**

2 I, Amy R. Lovegren-Tipton, declare as follows:

3 1. I am an attorney at law, duly licensed to practice in the State of California, and I am
4 with the law firm of Law Office of Amy R. Lovegren-Tipton, APLC. I am counsel of record for
5 Plaintiff Reginald Maduako in the above-captioned matter. The following is based on
6 my personal knowledge, and if called upon to do so, I could and would competently
7 testify thereto.

8 2. I submit this declaration in accordance with the Court’s Scheduling Order (ECF
9 No. 15), which states that stipulations to continue the dates in the Scheduling Order should be
10 accompanied by affidavits or declarations.

11 3. I will be filing a motion to withdraw as counsel for Plaintiff. This in turn has delayed the
12 completion of discovery in this matter and also necessitates the need to reschedule the discovery
13 cutoff deadlines, early settlement conference, pretrial conference, and trial dates.

14 4. Extending the non-expert and expert discovery cut-off dates and hearing dates will give the
15 Parties more time to complete discovery.

16 5. This is the Parties’ first request to modify the Scheduling Order.

17 I declare under penalty of perjury under the laws of the United States of America and the
18 State of California that the foregoing is true and correct, and this declaration was executed on March
19 24, 2017 in Fresno, California.

20 /s/ Amy R. Lovegren-Tipton
21 AMY R. LOVEGREN-TIPTON
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1 **ORDER**

2 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

3 The Scheduling Order (ECF No. 15) is modified to extend the deadlines for all discovery,
4 expert witness disclosures, and dispositive motion filing as follows:

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Event	New Deadline/Date
Non-expert Discovery Cutoff	June 16, 2017
Expert Disclosure	July 14, 2017
Rebuttal Expert Disclosure	August 14, 2017
Expert Discovery Cutoff	September 15, 2017
Dispositive Motion Filing	October 20, 2017
Pretrial Conference	February 20, 2018, at 1:30 p.m.
Trial	May 1, 2018, at 1:00 p.m.

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16 The Court continues the Settlement Conference for March 30, 2017 (ECF No. 17) until June 20, 2017
17 at 1:00 PM in Courtroom 10 (EPG) before Magistrate Judge Erica P. Grosjean.

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19 **IT IS SO ORDERED.**

20 Dated: **March 27, 2017**

21 */s/ Erica P. Grosjean*
22 UNITED STATES MAGISTRATE JUDGE
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