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PRICE AND FELIPE MIGUEL LUCERO
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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

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13 CHANNEL CENTENO, HERIBERTA
CENTENO, JOSE CENTENO,
14 individually,,

15 Plaintiffs,

16 v.

17 CITY OF FRESNO, ZEBULON
PRICE, FELIPE MIGUEL LUCERO,
18 and DOES 1 THROUGH 10, Inclusive,

19 Defendants.

Case No. 1:16-CV-00653-DAD-SAB
[Hon. Dale A. Drozd, District Judge;
Hon. Stanley A. Boone, Magistrate J.]

[FOR THE HON. MAGISTRATE]

**STIPULATION AND JOINT
REQUEST OF THE PARTIES TO
RESET THE MANDATORY
SETTLEMENT CONFERENCE;
[PROPOSED] ORDER**

State Action Filed: 03/23/2016
Trial Date: 07/18/2017

22
23 **TO THE HONORABLE COURT:**

24 By and through their counsel of record in this action, plaintiffs CHANNEL
25 CENTENO, HERIBERTA CENTENO, AND JOSE CENTENO ("Plaintiffs") and
26 defendants CITY OF FRESNO ("City") AND OFFICERS ZEBULON PRICE AND
27 FELIPE MIGUEL LUCERO (collectively herein after as "Defendants") – the parties –
28 hereby stipulate for the purpose of jointly requesting that the honorable Court modify,

1 reset, and continue specific operative case management dates and deadlines,
2 specifically the mediation date, in this action along the following lines.

3 **GOOD CAUSE STATEMENT.**

4 1. On July 21, 2016, somewhat consistent with the schedule proposed by the
5 parties in their Joint Report per Fed. R. Civ. P. 26(f) [Dkt. Doc. 15], the Court set a
6 mandatory settlement conference before the Magistrate Judge for March 29, 2017
7 before the honorable Judge Stanley A. Boone.

8 2. However, both the lead counsel (Ms. Mildred K. O'Linn) and the co-lead
9 counsel (Mr. Tony M. Sain) for defendants in the instant action were engaged in a Trial
10 on another matter (*Cardenas v. City of Manhattan Beach*, U.S. Dist. Ct., C.D. Cal. case
11 no. 2:15-CV-01469-PJW) that ran longer than anticipated. Specifically, the Cardenas
12 trial did not go to the jury until March 28, 2017, and the jury was still in deliberation on
13 March 29, 2017. Although the Cardenas jury rendered a defense verdict on March 29,
14 2017, the timing of their deliberations made compliance with the Court-set mandatory
15 scheduling conference impossible. Plaintiffs lack sufficient information or personal
16 knowledge to stipulate to the contentions of this paragraph; but plaintiffs do stipulate
17 that a Trial calendar conflict constitutes good cause for a continuance of a mandatory
18 settlement conference.

19 3. Due to the unexpected nature of the *Cardenas* Trial overrun, and due to a
20 miscommunication, it was not made clear to the Court until an email dated March 23,
21 2017 that defense counsel could no longer comply with the Court-set mediation.
22 Plaintiffs lack sufficient information or personal knowledge to stipulate to the
23 contentions of this paragraph; but plaintiffs do stipulate that a Trial calendar conflict
24 constitutes good cause for a continuance of a mandatory settlement conference.

25 4. After a conference among counsel for all of the parties, and with the staff
26 of the honorable Court, the parties and the Court have determined that an alternative
27 settlement conference date of June 8, 2017 (before the Hon. Barbara A. McAuliffe) is
28 mutually agreeable to all.

1 5. This Stipulation is the third request for any continuance in this action: the
 2 parties have not yet sought any continuance of trial date in this action.

3 6. Accordingly, in light of the foregoing, and in order to facilitate the
 4 interests of all parties to this action, by and through their counsel of record in this
 5 action, the parties hereby Stipulate that Good Cause exists – and the parties respectfully
 6 request that the Court modify the operative case management scheduling order – to
 7 continue the case management dates and deadlines in this action, as follows herein
 8 below.

STIPULATION FOR CONTINUANCE AND MODIFICATION OF SCHEDULING ORDER(S).

11 7. Accordingly, in light of the foregoing, the parties respectfully request that,
 12 as to the following case management deadlines, the Court issue an ORDER vacating
 13 the current deadlines and modifying the case management schedule as follows:

<i>Case Management Event:</i>	<i>Prior-Operative Date-Deadline:</i>	<i>NEW Date-Deadline:</i>
Last Day to File to Add Parties and Amend Pleadings	February 28, 2017	February 28, 2017 (no change)
Non-Expert Discovery Cut-Off (Non-Expert Discovery Completion Due)	February 28, 2017	February 28, 2017 (no change)
Expert Disclosures (Initial) – Service Deadline	February 28, 2017	February 28, 2017 (no change)
Rebuttal-Supplemental Expert Disclosures – Service Due	March 7, 2017	March 7, 2017 (no change)
Dispositive Motion/MSJ – <u>Filing</u> Deadline (Last Day for Filing Dispositive Motions)	March 28, 2017	March 28, 2017 (no change)
Dispositive Motion/MSJ – <u>Hearing</u> Cut-Off (Last Day for Hearing Dispositive Motions)	April 25, 2017	April 25, 2017 (no change)
Discovery Motion Hearing Cut-Off (Last Day for Hearing Discovery Motions)	May 5, 2017	May 5, 2017 (no change)
Expert Discovery Cut-Off (Expert	May 5, 2017	May 5, 2017

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<i>Case Management Event:</i>	<i>Prior-Operative Date-Deadline:</i>	<i>NEW Date-Deadline:</i>
Discovery Completion Due)		(no change)
Last Day to File Motions <i>in Limine</i>	May 29, 2017	May 29, 2017 (no change)
Pre-Trial Documents Filing Due [Pre-Trial Conference Order (“PTCO”); Pre-Trial Exhibit Stipulation; Summary of Witness Testimony and Time Estimates (Witness List); Status Report re: Settlement; Agreed Upon Set of Jury Instructions and Verdict Forms; Joint Statement re: Disputed Instructions, Verdict Forms; Proposed Verdict Forms; Real-Time Report for Court Reporter]	May 29, 2017	May 29, 2017 (no change)
Settlement Conference (With Magistrate Judge)	March 29, 2017, 9:30 a.m. (Ctrm 8)	June 8, 2017, 9:30 a.m. (Ctrm 8)
Final Pre-Trial Conference (“PTC”)	June 12, 2017, 1:30 p.m. (Ctrm 2)	June 12, 2017, 1:30 p.m. (Ctrm 2) (no change)
Hearing on Motions <i>in Limine</i> and Disputed Jury Instructions	<i>To Be Determined By Court Before or At PTC</i>	<i>To Be Determined By Court Before or At PTC (no change)</i>
TRIAL	July 18, 2017, 1:00 p.m. (Ctrm 5)	July 18, 2017, 1:00 p.m. (Ctrm 5) (no change)

8. Except as specified herein above, nothing in the parties’ Stipulation or any associated Order shall modify, vacate, or rescind the Court’s operative Scheduling Orders [e.g., Dkt. Doc. 17, 34, 38, 39].

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHANNEL CENTENO, HERIBERTA
CENTENO, JOSE CENTENO,
individually,,

Plaintiffs,

v.

CITY OF FRESNO, ZEBULON
PRICE, FELIPE MIGUEL LUCERO,
and DOES 1 THROUGH 10, Inclusive,

Defendants.

Case No. 1:16-CV-00653-DAD-SAB
[Hon. Dale A. Drozd, District Judge;
Hon. Stanley A. Boone, Magistrate J.]

**[PROPOSED] ORDER FOR
CONTINUANCE OF THE
MANDATORY SETTLEMENT
CONFERENCE**

State Action Filed: 03/23/2016
Trial Date: 07/18/2017

PURSUANT TO THE STIPULATION OF THE PARTIES, and pursuant to the
Court’s inherent and statutory authority, including but not limited to the Court’s
authority under the applicable Federal Rules of Civil Procedure and the United States
District Court, Eastern District of California Local Rules; after due consideration of all
of the relevant pleadings, papers, and records in this action; and upon such other
evidence or argument as was presented to the Court; Good Cause appearing therefor,
and in furtherance of the interests of justice,

IT IS HEREBY ORDERED that:

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1 1. The Court hereby Orders that the Court’s scheduling orders [Dkt. Doc. 17,
 2 34] are hereby further **modified, continued, and reset** to the following case
 3 management schedule:

<i>Case Management Event:</i>	<i>Prior-Operative Date-Deadline:</i>	<i>NEW Date-Deadline:</i>
Last Day to File to Add Parties and Amend Pleadings	February 28, 2017	February 28, 2017 (no change)
Non-Expert Discovery Cut-Off (Non-Expert Discovery Completion Due)	February 28, 2017	February 28, 2017 (no change)
Expert Disclosures (Initial) – Service Deadline	February 28, 2017	February 28, 2017 (no change)
Rebuttal-Supplemental Expert Disclosures – Service Due	March 7, 2017	March 7, 2017 (no change)
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Discovery Motion Hearing Cut-Off (Last Day for Hearing Discovery Motions)	May 5, 2017	May 5, 2017 (no change)
Expert Discovery Cut-Off (Expert Discovery Completion Due)	May 5, 2017	May 5, 2017 (no change)
Last Day to File Motions <i>in Limine</i>	May 29, 2017	May 29, 2017 (no change)
Pre-Trial Documents Filing Due [<i>Pre-Trial Conference Order (“PTCO”); Pre-Trial Exhibit Stipulation; Summary of Witness Testimony and Time Estimates (Witness List); Status Report re: Settlement; Agreed Upon Set of Jury Instructions and Verdict Forms; Joint Statement re: Disputed Instructions, Verdict Forms; Proposed Verdict Forms; Real-Time Report for Court Reporter</i>]	May 29, 2017	May 29, 2017 (no change)
Settlement Conference (With Magistrate Judge)	March 29, 2017, 9:30 a.m. (Ctrm 8)	June 8, 2017, 9:30 a.m. (Ctrm 8)

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<i>Case Management Event:</i>	<i>Prior-Operative Date-Deadline:</i>	<i>NEW Date-Deadline:</i>
Final Pre-Trial Conference ("PTC")	June 12, 2017, 1:30 p.m. (Ctrm 2)	June 12, 2017, 1:30 p.m. (Ctrm 2) (no change)
TRIAL	July 18, 2017, 1:00 p.m. (Ctrm 5)	July 18, 2017, 1:00 p.m. (Ctrm 5) (no change)

2. Except as specified herein above, all other dates and deadlines operative as of the Court's scheduling Orders [*e.g.*, Dkt. Doc. 17, 34, 38, 39] would remain unchanged and unaffected by the parties' Stipulation or any associated Order made pursuant thereto. The provisions of the parties' Stipulation and this Order shall be in effect until further applicable Order of the Court.

IT IS SO ORDERED THAT the Settlement Conference is continued from March 29, 2017 to June 8, 2017 at 9:30AM before Judge McAuliffe.

IT IS SO ORDERED.

Dated: April 13, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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