

1 XAVIER BECERRA, State Bar No. 118517  
Attorney General of California  
2 CHRISTOPHER J. BECKER, State Bar No. 230529  
Supervising Deputy Attorney General  
3 ROBERT M. PERKINS, III, State Bar No. 309192  
Deputy Attorney General  
4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 210-6144  
6 Fax: (916) 324-5205  
E-mail: Robert.Perkins@doj.ca.gov  
7 *Attorneys for Defendants Wetenkamp, Martinez,  
Cartagena, Peterson, Loyd and Charkow-Ross*

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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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13 JOSEPH BECKER,

14 Plaintiff,

15 v.

16 WARDEN SHERMAN, et al.,

17 Defendants.  
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1:16-cv-0828-AWI-JDP (PC)

JOINT STIPULATION REGARDING  
CDCR'S PRODUCTION OF  
ELECTRONICALLY STORED  
INFORMATION AND MODIFICATION OF  
DISCOVERY AND SCHEDULING ORDER

Judge: The Hon. Jeremy D. Peterson  
Action Filed: June 15, 2016

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20 On June 27, 2018, the Court issued a discovery and scheduling order. (ECF No. 88). At  
21 that time, the Court set the date of November 1, 2019 as the deadline for the completion of all  
22 discovery. (*Id.*) Plaintiff served a third-party subpoena on the California Department of  
23 Corrections and Rehabilitation (CDCR), which seeks the production of electronically stored  
24 information (ESI) related to Plaintiff's claims. The parties have engaged in substantial  
25 negotiations about the scope of Plaintiff's third-party subpoena and have reached an agreement on  
26 search terms and custodians. Additionally, CDCR's production has been delayed due to the death  
27 of defense counsel's father. Since that time, defense counsel has had to travel to Baltimore,  
28 Maryland to probate his father's estate.

1 For these reasons, the parties have agreed to the following stipulations about the production  
2 of ESI that is responsive to Plaintiff's third-party subpoena:

- 3 • CDCR will complete its production of ESI on or before September 6, 2019; and
- 4 • CDCR will not have to produce the "COMPSTAT and CSR Excel spreadsheets" as part of  
5 CDCR's production of ESI responsive to Plaintiff's third-party subpoena.

6 Due to Defendants' delay in producing documents, the parties stipulate to a three-month  
7 extension of the discovery deadline for the limited purpose of allowing Plaintiff to conduct  
8 depositions. Under this proposed modification, Plaintiff shall have until **February 1, 2020** to  
9 complete depositions, including filing of any motion to compel such depositions. For all other  
10 discovery, including written discovery and the filing of any motions to compel written discovery,  
11 the **November 1, 2019** deadline will remain in effect. The parties further stipulate to extend the  
12 deadline for filing all dispositive motions to **March 15, 2020**.

13 Finally, the parties stipulate to the following deadlines for the production of expert  
14 discovery. Under this proposed stipulation, Plaintiff's expert reports shall be produced no later  
15 than **November 1, 2019**. Defendants' expert reports, if any, shall be produced by **January 1,**  
16 **2020**. Expert depositions shall be complete by **February 15, 2019**.

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**IT IS SO STIPULATED.**

Dated: August 6, 2019

*/s/ Christopher J. Bower*  
Christopher J. Bower  
Latham & Watkins, LLP  
*Attorney for Plaintiff*  
*Joseph Becker*

Dated: August 6, 2019

*/s/ Robert M. Perkins, III*  
Robert M. Perkins, III  
Deputy Attorney General  
*Attorney for Defendants*  
*Wetenkamp, Cartagena, Peterson, Loyd,*  
*Charkow-Ross, and Martinez*

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Approved.

IT IS SO ORDERED.

Dated: August 7, 2019



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UNITED STATES MAGISTRATE JUDGE