

1 **WAGNER, JONES, KOPFMAN**
2 **& ARTENIAN LLP**

3 Nicholas J.P. Wagner #109455
4 Andrew B. Jones #076915
5 Laura E. Brown #306035
6 1111 E. Herndon Ave., Suite 317
7 Fresno, California 93720
8 Tel.: (559) 449-1800
9 Fax: (559) 449-0749

10 *Attorneys for* Plaintiff BERNARDINA GOMEZ individually and as successor-in-interest
11 to Esteven Andrade Gomez (deceased)

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 BERNARDINA GOMEZ individually and as
15 successor-in-interest to Esteven Andrade
16 Gomez, deceased,

17 Plaintiff,

18 v.

19 CITY OF FARMERSVILLE;
20 FARMERSVILLE POLICE DEPARTMENT;
21 and DOES 1-50, inclusive,

22 Defendants.

Case No.: 1:16-cv-01252-AWI-SKO

**STIPULATION AND ORDER TO
MODIFY SCHEDULING ORDER**

(Doc. 19)

23 Plaintiff BERNARDINA GOMEZ, individually and as successor-in-interest to Esteven
24 Andrade Gomez, deceased, and Defendants CITY OF FARMERSVILLE and FARMERSVILLE
25 POLICE DEPARTMENT, by and through their respective counsel, hereby stipulate:

26 1. This case was filed in the U.S. District Court, Eastern Division - Fresno, on
27 August 24, 2016 based on the death of Plaintiff BERNADINA GOMEZ's son while in custody
28 of the Farmersville Police Department following arrest; *and*

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1 2. WHEREAS the parties have in good faith engaged in discovery to date, including
2 the exchange of written discovery such as interrogatories, requests for admissions, and requests
3 for production.

4 3. WHEREAS the parties are working to confirm the dates of depositions, a site
5 inspection, and the filing of a protective order regarding certain categories of sensitive
6 information;

7 4. WHEREAS the parties wish to depose certain witnesses (including Officer
8 JESSIE MCBRIDE, Officer HETTICK, and Ms. GOMEZ) beginning in October 2017;

9 5. WHEREAS the parties are coordinating an appropriate date and time for Ms.
10 GOMEZ's intended site inspection of the location where her son died while in the care, custody,
11 and control of the FARMERSVILLE POLICE DEPARTMENT. Because the location to be
12 inspected is an active police station seeing daily use, both sides are cooperating to perform the
13 inspection in a manner that reduces any disruption to the department's daily activities;

14 6. WHEREAS the parties have agreed to the production and use of records that are
15 relevant and contained in Officers MCBRIDE and HETTICK's personnel file, i.e. personnel
16 records. This disclosure will be pursuant to a signed stipulated protective order. That stipulation
17 has been drafted but not finalized, and the parties anticipate filing it along with a requested
18 protective order shortly; *and*

19 7. WHEREAS the non-expert discovery deadline is currently set for October 10,
20 2017, with further deadlines following therefrom.

21 8. AND WHEREAS the parties agree to a resetting of the pretrial conference and
22 trial in this matter to a date that is convenient to the Court.

23 //

1 **THEREFORE** the parties find and agree that the discovery efforts outlined above cannot
2 be completed by the upcoming October 10, 2017 deadline, and accordingly stipulate and request
3 that the Court's Scheduling Order of December 21, 2016 be modified as follows:

<u>Item:</u>	<u>Current Deadline:</u>	<u>Proposed Deadline:</u>
Non-Expert Discovery:	<i>October 10, 2017</i>	February 1, 2018
Expert Disclosures:	<i>October 16, 2017</i>	February 8, 2018
Rebuttal Expert Disclosures:	<i>November 6, 2017</i>	February 22, 2018
Expert Discovery:	<i>December 22, 2017</i>	March 9, 2018
Non-Dispositive Motions:	<i>January 3, 2018</i>	March 23, 2018
Non-Dispositive Hearing:	<i>January 31, 2018</i>	April 20, 2018
Dispositive Motions:	<i>February 5, 2018</i>	April 27, 2018
Dispositive Hearing:	<i>March 19, 2018</i>	June 8, 2018

15 * * *

16 **Respectfully submitted,**

17 Dated: Sept. 28, 2017

**WAGNER, JONES, KOPFMAN
& ARTENIAN LLP**

/s/ Laura E. Brown

Laura E. Brown

Attorneys for Plaintiff BERNADINA GOMEZ

23 Dated: Sept. 28, 2017

FERGUSON, PRAET & SHERMAN, APC

/s/ G. Craig Smith

G. Craig Smith

Attorneys for Defendants

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1 **ORDER**

2 Based on the parties' above stipulation (Doc. 19), and for good cause shown, the
3 Scheduling Order (Doc. 12) is hereby MODIFIED as follows:
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5 EVENT	CURRENT DATE	NEW DATE
6 Non-expert discovery deadline	October 10, 2017	February 1, 2018
7 Expert disclosures	October 16, 2017	February 8, 2018
8 Rebuttal expert disclosures	November 6, 2017	February 22, 2018
9 Expert discovery deadline	December 22, 2017	March 9, 2018
10 Non-dispositive motion filing deadline	January 3, 2018	March 23, 2018
11 Non-dispositive motion hearing deadline	January 31, 2018	April 25, 2018 ¹
12 Dispositive motion filing deadline	February 5, 2018	April 27, 2018
13 Dispositive motion hearing deadline	March 19, 2018	June 11, 2018, at 1:30 p.m. ²
14 Pretrial Conference	May 16, 2018	August 8, 2018, at 10:00 a.m.
15 Trial	July 10, 2018	October 9, 2018, at 8:30 a.m. ³

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18 IT IS SO ORDERED.

19 Dated: September 29, 2017

20 */s/ Sheila K. Oberto*
21 UNITED STATES MAGISTRATE JUDGE
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26 ¹ The parties requested Friday, April 20, 2018, as the hearing date for non-dispositive motions, but since Magistrate Judge Oberto's law and motion calendar is set on Wednesdays, the date has been continued to the following Wednesday.

27 ² The parties requested Friday, June 8, 2018, as the hearing date for dispositive motions, but since Judge Ishii's law and motion calendar is set on Mondays, the date has been continued to the following Monday.

28 ³ To permit the parties sufficient time to prepare their pretrial submissions and to prepare for trial, the pretrial conference and trial dates have been continued.