1	WAGNER, JONES, KOPFMAN & ARTENIAN LLP Nicholas J.P. Wagner #109455 Andrew B. Jones #076915	
2		
3	Laura E. Brown #306035 1111 E. Herndon Ave., Suite 317	
4	Fresno, California 93720 Tel.: (559) 449-1800 Fax: (559) 449-0749	
5		
6	Attorneys for Plaintiff BERNARDINA GOMEZ individually and as successor-in-interest to Esteven Andrade Gomez (deceased)	
7		
8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10		
11	BERNARDINA GOMEZ individually and as successor-in-interest to Esteven Andrade	Case No.: 1:16-cv-01252-AWI-SKO
12	Gomez, deceased,	STIPULATION AND ORDER TO
13	Plaintiff,	CONTINUE EXPERT DISCOVERY
14	V.	DEADLINES
15 16	CITY OF FARMERSVILLE; FARMERSVILLE POLICE DEPARTMENT; and DOES 1-50, inclusive,	(Doc. 34)
17 18	Defendants.	
19		
20	Plaintiff BERNARDINA GOMEZ, individually and as successor-in-interest to Esteve	
21	Andrade Gomez, deceased, and Defendants CITY OF FARMERSVILLE and FARMERSVILLE	
22	POLICE DEPARTMENT, by and through their respective counsel, hereby stipulate:	
23	1. This case was filed in the U.S. District Court, Eastern Division - Fresno, or	
2425	August 24, 2016 based on the death of Plaintiff BERNADINA GOMEZ's son while in custod	
26	of the Farmersville Police Department following arrest;	
27	2. Pursuant to the court's instruction (see ECF No. 22), the parties engaged in	
28	confidential discussions with each other and the court regarding information resolution of thi	
	<u> </u>	

action in advance of the settlement conference, which was originally scheduled for December 5, 2017.

- 3. Following these discussions, the hearing was vacated based on the court's evaluation that a settlement was unlikely to occur on the original date. The conference was re-set for February 21, 2017.
- 4. As of the date the court rescheduled the settlement conference, several critical depositions—including those of the involved officers and the decedent's mother—had not yet taken place. Those depositions have now taken place and are concluded.
- 5. While the settlement conference is set for February 21, 2018, expert disclosures are due before that date.
- 6. The parties have met and conferred, and believe that extending the expert deadlines until after the settlement conference will be preferable for all involved. Doing so will limit case expenses for both sides, with the benefit of facilitating a potential settlement by reducing unnecessary costs.
- 7. Accordingly, the parties respectfully request that the current scheduling order (see ECF No. 20) be modified as follows:
 - Expert disclosures February 8, 2018 to March 21, 2018;
 - Rebuttal expert disclosures February 22, 2018 to April 4, 2018; and
 - Expert discovery deadline March 9, 2018 to April 18, 2018.
- 8. No other changes are sought, and the parties appreciate the court's consideration of their request.

///

1 2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Respectfully submitted,

Dated: Feb. 5, 2018 WAGNER, JONES, KOPFMAN & ARTENIAN LLP

/s/Laura E. Brown

Laura E. Brown

Attorneys for Plaintiff BERNADINA GOMEZ

Dated: Feb. 5, 2018 FERGUSON, PRAET & SHERMAN, APC

/s/Shaun I. Abuzalaf ¹
Shaun I. Abuzalaf

Attorneys for Defendants

* * *

ORDER

Having reviewed the above stipulation (Doc. 34) and good cause appearing therefore, IT IS HEREBY ORDERED that the:

Expert witness disclosure deadline is extended to March 21, 2018;

Rebuttal expert witness disclosure is extended to April 4, 2018; and

Expert witness discovery is extended to April 18, 2018.

These modifications do not change any other existing scheduling deadlines, including motion deadlines, the pretrial conference, and the trial date.

IT IS SO ORDERED.

Dated: February 7, 2018 /s/ Sheila H. Oberto
UNITED STATES MAGISTRATE JUDGE

Authorization for signature received on February 5, 2018.