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13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 MARK ASHELY, INDIVIDUALLY AND ON
BEHALF OF THOSE SIMILARLY
16 SITUATED,

17 Plaintiffs,

18 v.

19 SHERIFF DONNY YOUNGBLOOD, et al.

20 Defendants.

CASE NO. 1:16-cv-01638-LJO-JLT

**STIPULATION AMENDING
SCHEDULING ORDER; [PROPOSED]
ORDER**

(Doc. 69)

21
22 The parties to the above-captioned action, by and through their attorneys of record, hereby
23 enter into the below stipulation with regard to the following facts and circumstances:

24 WHEREAS, Plaintiff's counsel has been substantially incapacitated due to unavoidable
25 surgeries, pneumonia, and hospitalizations;

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1 WHEREAS, the Court amended the Scheduling Order on January 8, 2018 and identified
2 that the new deadline for the stipulated notice as January 16, 2018, the mailing of such notices as
3 February 6, 2018, the deadline to opt-in as April 22, 2018, and the Mid-Discovery Status
4 Conference as April 23, 2018;

5 WHEREAS, Plaintiff's counsel's health had prevented the parties from complying with the
6 Court's amended Scheduling Order. See Docket No 60 (Notice of Unavailability explaining
7 Plaintiff's counsel's health concerns).

8 WHEREAS, on May 8, 2018, the Court Approved the Notice of Eligibility to Participate in
9 a Collective Action and Consent form and Ordered them to be mailed no later than May 25, 2018.
10 See Docket No. 68;

11 WHEREAS, Plaintiff's counsel's health has further declined, resulting in further hospital
12 stays and the decision to hire or associate with other counsel to assist in the prosecution of this case;

13 WHEREAS, the Parties have been unable to comply with the Court's May 8, 2018 Order
14 Granting Final Approval of The Notice of Eligibility to Participate in a Collective Action and
15 Consent Form for the above stated reasons;

16 WHEREAS, the parties believe good cause exists to further amend the Court's Scheduling
17 Order due to long delays in ascertaining the potential class and conducting class discovery;

18 IT IS STIPULATED THAT:

19 Notice of Potential Opt-in Plaintiffs: The parties shall revise the Notice and Consent Form
20 to indicate that potential class members must opt-in no later than September 12, 2018 (not the
21 August 8, 2018 date originally approved by the Court). The parties shall mail the Notice and
22 Consent Form to potential class members no later than July 2, 2018. Any individuals seeking to
23 opt-in to the action must complete and file the consent form no later than September 12, 2018.

24 The parties' vacated Mid-Discovery Status Conference shall be continued from April 23,
25 2018 at 8:30 a.m. to December 23 at 8:30 a.m., or to a later date the Court deems appropriate and
26 convenient.

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28 The parties' deadline to complete all discovery shall be continued from August 31, 2018 to

1 May 2, 2019, or to a later date the Court deems appropriate and convenient. The parties' deadline
2 to disclose all expert witnesses, in writing, shall be continued from September 14, 2018 to May 16,
3 2019, or to a later date the Court deems appropriate and convenient. The parties' deadline to
4 complete all discovery pertaining to experts shall be continued from October 26, 2018 to June 28,
5 2019, or to a later date the Court deems appropriate and convenient.

6 The deadline to file non-dispositive motions and have them heard shall be continued from
7 November 9, 2018 (filing) and December 7, 2018 (hearing) to July 11, 2019 (filing) and August 9,
8 2019 (hearing), or to a later date the Court deems appropriate and convenient.

9 The deadline to file dispositive motions and class certification shall be continued from
10 December 17, 2018 to August 9, 2019, or to a later date the Court deems appropriate and
11 convenient. The deadline for hearing on dispositive motions and class certification shall be
12 continued from January 28, 2019 to September 30, 2019, or to a later date the Court deems
13 appropriate and convenient.

14 The Pre-Trial Conference shall be continued from March 11, 2019 at 10:00 a.m. to
15 November 13, 2019 at 10:00 a.m., or to a later date the Court deems appropriate and convenient.
16 Trial shall be continued from May 13, 2019 at 8:30 a.m. to January 30, 2020 at 8:30, or to a later
17 date the Court deems appropriate and convenient.

18 IT IS SO STIPULATED.

19 Dated: June 19, 2018

GREGORY G. PETERSEN
A Law Corporation

21 By: s/ Gregory G. Petersen (as authorized on 06.19.18)
GREGORY G. PETERSEN

22 Attorneys for Plaintiff
DARREN WONDERLY

23 Dated: June 20, 2018

JACKSON LEWIS P.C.

25 By: s/ Nathan W. Austin
NATHAN W. AUSTIN
EVAN D. BEECHER

27 Attorneys for Defendant
Sheriff Donny Youngblood

1 **ORDER**

2 Based upon the stipulation of counsel, the Court **ORDERS**:

3 1. New counsel for the plaintiff **SHALL** file a notice of appearance or substitution of
4 attorney **no later than July 9, 2018**;

5 2. The case schedule is amended as follows:

6 a. The Parties **SHALL** revise the Notice and Consent Form to indicate that
7 potential class members must opt-in no later than September 12, 2018;

8 b. The parties **SHALL** mail the Notice and Consent Form to potential class
9 members no later than July 2, 2018;

10 c. The parties' **SHALL** complete all non-expert discovery no later than May
11 2, 2019;

12 d. The parties' **SHALL** disclose all expert witnesses¹, in writing no later than
13 May 16, 2019 and complete all expert discovery no later than June 28, 2019;

14 e. Non-dispositive motions **SHALL** be filed no later than July 11, 2019 and
15 heard no later than and heard no later than August 9, 2019;

16 f. Dispositive motions and the motion for certification of the collective action
17 **SHALL** be filed by August 9, 2019 and heard no later than September 16,
18 2019;

19 g. The pretrial conference is continued to November 13, 2019 at 10:00 a.m.;

20 h. The trial is continued from May 13, 2019 at 8:30 a.m. to January 13, 2020 at
21 8:30 a.m.

22
23 IT IS SO ORDERED.

24 Dated: **June 20, 2018**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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28 _____
¹ It appears the parties have forewent rebuttal experts.