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 7 CITY OF TURLOCK; GREGORY W. ROTON; DUSTIN
 8 M. FERREIRA; GABRIEL GONZALEZ; and PAUL
 9 INDERBITZEN

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

12 RANDY BEAVERS,

13 Plaintiff,

14 v.

15 CITY OF TURLOCK, a municipal
 16 corporation, Turlock Police Department
 17 Officers GREGORY W. ROTON,
 18 Individually, DUSTIN M. FERREIRA,
 19 Individually, GABRIEL GONZALEZ,
 20 Individually, PAUL INDERBITZEN,
 21 Individually, and DOES 1 THROUGH 50,
 22 Jointly and Severally,

23 Defendants.

Case No.: 1:16-cv-01878-LJO-BAM

**STIPULATION RE: CONTINUANCE;
ORDER DENYING IN PART**

24 **TO THE CLERK OF THE COURT, ALL PARTIES, AND THEIR ATTORNEYS**
 25 **OF RECORD:**

26 Plaintiff RANDY BEAVERS (“Plaintiff”) and Defendants CITY OF TURLOCK;
 27 GREGORY W. ROTON; DUSTIN M. FERREIRA; GABRIEL GONZALEZ; and PAUL
 28 INDERBITZEN (“Defendants”) hereby respectfully request modification of certain case
 deadlines.

On April 17, 2017, the Court issued a Scheduling Order in this case. The Order set various
 deadlines, including: non-expert discovery (February 16, 2018); expert disclosure (March 23,

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1 2018); rebuttal expert disclosure (April 20, 2018); expert discovery (May 18, 2018); pretrial
2 motion filing deadline (June 29, 2018); pretrial conference (October 17, 2018); and trial
3 (December 4, 2018).

4 The parties previously extended the fact discovery deadline until April 2, 2018 (Dkt. No.
5 22), in order to complete the depositions of Plaintiff and his wife, a third-party witness, and
6 Plaintiff's treating physicians. The depositions of Plaintiff, his wife, and the third-party witness
7 all completed last month. The parties are holding-off on the doctor depositions, to see if the case
8 resolves beforehand.

9 The parties informally extended the expert disclosure date between themselves, until April
10 6, 2018.

11 The parties have never requested extension of the following deadlines: rebuttal disclosure,
12 expert discovery, pretrial motion deadline, pretrial conference, and trial. The parties have met-
13 and-conferred, and respectfully request extension of those deadlines. The cumulative effect of
14 these extensions would be to continue the trial date by one week (until December 11, 2018).

15 Good cause exists for this request. The parties are attempting to resolve this matter. On
16 March 19, 2018, a settlement conference was scheduled before Magistrate Judge Grosjean (Dkt.
17 No. 24). It is set for May 8, 2018. (*Id.*) The parties wish to avoid unnecessary litigation time and
18 expense, while the conference is pending.

19 Based on the foregoing circumstances, by and through their respective counsel of record,
20 the parties hereby stipulate, and respectfully request the following:

- 21 1. That the expert disclosure deadline be continued until June 5, 2018;
- 22 2. That the rebuttal expert disclosure deadline be continued from April 20, 2018 until
23 June 26, 2018;
- 24 3. That the expert discovery deadline be continued from May 18, 2018 until July 17,
25 2018;
- 26 4. That the pretrial motion filing deadline be continued from June 29, 2018 until
27 August 24, 2018;
- 28 5. That the pretrial conference date be continued from October 17, 2018 until

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December 12, 2018; and

6. That the trial date be continued from December 4, 2018 until January 28, 2019.

If January 28, 2019 is unavailable on the Court's trial calendar, the parties respectfully request a trial-setting conference, to set a new date. Both parties' trial calendars are impacted the first few months of 2019.

Respectfully submitted,

Dated: April 6, 2018

LAW OFFICES OF SANJAY S. SCHMIDT

By: /s/ Sanjay S. Schmidt
SANJAY S. SCHMIDT
Attorneys for Plaintiff
RANDY BEAVERS

Dated: April 6, 2018

LAW OFFICES OF PANOS LAGOS

By: /s/ Panos Lagos
PANOS LAGOS
Attorneys for Plaintiff
RANDY BEAVERS

Dated: April 6, 2018

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By: /s/ Kevin P. Allen
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GONZALEZ; and PAUL INDERBITZEN

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ORDER

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2 The parties' Stipulation and Proposed Order to continue the expert discovery, pretrial, and
3 trial deadlines is DENIED IN PART. (Doc. 25). A scheduling order may be modified only for
4 good cause. Fed. R. Civ. P. 16(b). The only good cause offered by the parties is ongoing
5 settlement discussions. The parties' desire to resolve this matter informally, while noble, does not
6 constitute good cause to modify the scheduling order. *See Lehman Bros. Holdings v. Golden*
7 *Empire Mortg., Inc.*, No. 09-cv-01018-LJO-JLT 2010 WL 2679907 *2 (E.D. Cal., July 2, 2010)
8 (Here, the parties' willingness to settle this case is admirable. However, settlement discussions
9 generally are not an unanticipated development.). Nonetheless, in the interests of judicial
10 economy, the Court will grant the parties some relief from the scheduling order as follows:

- 11 1. The Expert Disclosure deadline is CONTINUED to June 5, 2018;
- 12 2. The Rebuttal Expert Disclosure deadline is CONTINUED to June 26, 2018;
- 13 3. The Expert Discovery deadline is CONTINUED to July 17, 2018;
- 14 4. This extension of time to complete expert discovery does not alter the date of any
15 other event or deadline already fixed by the Court's scheduling order. (Doc. 13). Accordingly,
16 the pretrial motion filing deadline, and the dates for the pretrial conference and the trial remain as
17 set forth in the April 17, 2017 scheduling order. (Doc. 13).

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20 IT IS SO ORDERED.

21 Dated: April 10, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE