

1 DALE L. ALLEN, JR., State Bar No. 145279
dallen@aghwlaw.com
2 KEVIN P. ALLEN, State Bar No. 252290
kallen@aghwlaw.com
3 ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP
180 Montgomery Street, Suite 1200
4 San Francisco, CA 94104
Telephone: (415) 697-2000
5 Facsimile: (415) 813-2045

6 Attorneys for Defendants
CITY OF TURLOCK; GREGORY W. ROTON; DUSTIN
7 M. FERREIRA; GABRIEL GONZALEZ; and PAUL
INDERBITZEN
8

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11
12 RANDY BEAVERS,

13 Plaintiff,

14 v.

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

19 Defendants.
20
21

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

**STIPULATION AND ORDER FOR
EXTENSION OF PRETRIAL MOTION
DEADLINE**

22 **TO THE CLERK OF THE COURT, ALL PARTIES, AND THEIR ATTORNEYS**
23 **OF RECORD:**

24 Plaintiff RANDY BEAVERS (“Plaintiff”) and Defendants CITY OF TURLOCK;
25 GREGORY W. ROTON; DUSTIN M. FERREIRA; GABRIEL GONZALEZ; and PAUL
26 INDERBITZEN (“Defendants”) hereby respectfully requests an approximate three-week
27 extension of the pretrial motion filing deadline: from June 29, 2018 to July 19, 2018.
28

1 **I. PRIOR EXTENSIONS**

2 On April 17, 2017, the Court issued a Scheduling Order in this case. The Order set various
3 deadlines, including: non-expert discovery (February 16, 2018); expert disclosure (March 23,
4 2018); rebuttal expert disclosure (April 20, 2018); expert discovery (May 18, 2018); pretrial
5 motion filing deadline (June 29, 2018); pretrial conference (October 17, 2018); and trial
6 (December 4, 2018).

7 The parties previously extended the fact discovery deadline until April 2, 2018 (Dkt. No.
8 22), in order to complete the depositions of Plaintiff and his wife, a third-party witness, and
9 Plaintiff's treating physicians. Fact discovery is now complete.

10 The parties informally extended the expert disclosure date between themselves, until April
11 6, 2018.

12 On April 6, 2018, the parties requested extension of the rebuttal disclosure, expert
13 discovery, pretrial motion deadline, pretrial conference, and trial. (Dkt. No. 25). The Court
14 granted the request as to expert disclosure, rebuttal and expert discovery (Dkt. No. 26). It denied
15 it as to pretrial motion deadline, pretrial conference, and trial. (Dkt. No. 26).

16 **II. GOOD CAUSE FOR CURRENT REQUEST**

17 Good cause exists to extend the pretrial filing deadline. The parties attended a settlement
18 conference before Magistrate Judge Grosjean on May 8, 2018. (Dkt. No. 29). While the matter
19 did not resolve on that date, lines remained open. On June 19th, both parties indicated to Judge
20 Grosjean their desire to continue discussions. Each party is going to speak with her Honor the
21 week of June 25th-29th. This is the best opportunity, to-date, the case has ever had at settling.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 In order to facilitate these talks and maximize their chance of success, the parties
2 respectfully request extension of the pretrial motion filing deadline three weeks (from June 29th
3 to July 19th).¹ Otherwise, the parties believe the attorneys' fees and costs incurred from summary
4 judgment motion work will scuttle any possible settlement.

5
6 Respectfully Submitted,

7 Dated: June 20, 2018

LAW OFFICES OF SANJAY S. SCHMIDT AND
LAW OFFICES OF PANOS LAGOS

9 By: /s/ Sanjay Schmidt
10 SANJAY SCHMIDT
11 PANOS LAGOS
Attorneys for Plaintiff
RANDY BEAVERS

12 Dated: June 20, 2018

ALLEN, GLAESSNER,
HAZELWOOD & WERTH, LLP

14 By: /s/ Kevin P. Allen
15 DALE L. ALLEN, JR.
16 KEVIN P. ALLEN
Attorneys for Defendants
17 CITY OF TURLOCK; GREGORY W.
ROTON; DUSTIN M. FERREIRA; GABRIEL
18 GONZALEZ; and PAUL INDERBITZEN

19
20
21
22
23 _____
24 ¹ A motion filed on Thursday, July 19th would mean a hearing date on Thursday, August 16th. That is
25 approximately 8 weeks before the October 17th pretrial conference. This differentiates this stipulation
26 from *Lehman Bros. Holdings v. Golden Empire Mortg., Inc.*, No. 1:09-CV-01018LJOJLT, 2010 WL
27 2679907, at *3 (E.D. Cal. July 2, 2010), where the proposed extension only left two weeks between the
28 MSJ hearing and the pretrial conference.

This case is also different from *Lehman* because, if granted, it would be the first extension of the pretrial
filing deadline. The parties in *Lehman* had already obtained one extension, and were attempting a second.
Lehman, supra, at * 1. It was this additional attempt (at extending the dispositive motion deadline) the
Court denied.

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

ORDER

Pursuant to the stipulation of the parties, and for some cause shown, the pretrial motion filing deadline is extended from June 29, 2018, to July 19, 2018. The parties are cautioned that the delay in filing pretrial dispositive motions may result in those motions not being resolved prior to the pretrial conference in this action. The parties also are cautioned that further modifications of the scheduling conference order will not be granted absent a showing of good cause. Fed. R. Civ. P. 16(b).

IT IS SO ORDERED.

Dated: June 21, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE