

1 THE LAW OFFICE OF THOMAS C. SEABAUGH
Thomas C. Seabaugh, Esq., SBN 272458 | tseabaugh@seabaughfirm.com
2 601 West Fifth Street, Eighth Floor
Los Angeles, CA 90071
3 Telephone: (213) 225-5850

4 CHAIN COHN STILES
Neil K. Gehlawat, Esq., SBN 289388 | ngehlawat@chainlaw.com
5 1731 Chester Avenue
Bakersfield, CA 93301
6 Telephone: (661) 323-4000
Facsimile: (661) 324-1352

7 *Attorneys for Plaintiff*

8
9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 TIMOTHY GRISMORE, an individual;
XAVIER HINES, an individual,,

12
13 Plaintiffs,

14 v.

15 CITY OF BAKERSFIELD, a municipality;
OFFICER MELENDEZ, an individual;
16 OFFICER LUEVANO, an individual;
OFFICER POTEETE, an individual;
17 OFFICER CLARK, an individual;
OFFICER MCINTYRE, an individual;
18 OFFICER VAZQUEZ, an individual;
OFFICER BARAJAS, an individual;
19 SERGEANT MCAFEE, an individual;
20 and DOES 1-10, inclusive,

21
22 Defendants.
23
24
25
26
27
28

Case No.1:17-CV-00413-JLT

Hon. Jennifer L. Thurston

**JOINT STIPULATION AND PROPOSED
ORDER FOLLOWING DISCOVERY
CONFERENCE**

1 **JOINT STIPULATION**

2 COME NOW the parties jointly through their respective attorneys of record and stipulate
3 as follows:

4 1. The Court recently conducted a telephonic conference regarding a discovery
5 dispute in this case (Doc. 40). The dispute concerns Defendants’ objections to Plaintiffs’ notice of
6 deposition of the City of Bakersfield pursuant to Rule 30(b)(6) with an accompanying request for
7 documents. Following the conference, the Court ordered the parties to meet and confer further
8 regarding the records that can be generated from the Blue Team software program (Doc. 41).

9 2. The parties met and conferred on April 5, 2018. Prior to the meeting, the
10 Defendants’ counsel investigated and gathered information concerning the Blue Team software
11 and its functions. The parties discussed the Blue Team software and Defendants proposed to
12 produce Brent Stratton to testify regarding the Blue Team software.

13 3. The parties discussed how best to proceed in terms of minimizing the expenditure
14 of unnecessary time and resources with respect to this dispute. There a substantial number of
15 subject matters identified in Plaintiffs’ Rule 30(b)(6) notice to which the Defendants have agreed
16 to produce a witness subject to their objections. There are a number of additional categories that
17 Plaintiffs have agreed to withdraw. With respect to other categories, the parties may be able to
18 agree on a narrowed compromise. The proposal to produce Brent Stratton is expected to help
19 refine the disputes concerning the Blue Team software.

20 4. Accordingly, the parties propose to proceed with convening the Rule 30(b)(6)
21 deposition, with a plan to meet and confer afterwards to see what (if any) issues remain in dispute.
22 It is hoped that proceeding in this way will eliminate or at least narrow significantly the issues that
23 would need to be litigated in terms of this dispute. The parties propose to proceed this way with
24 the understanding that it does not imply a waiver of Defendants objections, nor does it imply a
25 waiver of Plaintiff’s right to bring a motion to compel as to the categories that remain in dispute.

26 5. The current non-expert discovery cutoff is May 29, 2018. The parties propose to
27 extend that deadline for a number of reasons. First, extending the deadline will give the parties
28

1 additional time to explore compromises with respect to the disputes concerning the Rule 30(b)(6)
2 deposition. In the event an informal compromise is not possible, additional time will allow the
3 Plaintiffs the option of pursuing the desired discovery using other avenues while ensuring that
4 sufficient time remains for any remaining disputes to be litigated.

5 6. Another factor favoring an extension is the move, now in progress, of Plaintiff's
6 attorney Neil K. Gehlawat from the firm of Chain Cohn Stiles in Bakersfield to AlderLaw, P.C. in
7 Los Angeles. In addition, Defendants' counsel will be in trial in Tucson, Arizona starting on April
8 17, 2018 which is expected to take two weeks. In addition, Defendants' counsel has another trial
9 starting on May 22, 2018 before the Honorable Judge Ishii. These trials will likely affect the
10 scheduling of the Rule 30(b)(6) deposition.

11 7. In addition, there are four to six additional percipient witnesses whose depositions
12 have to be completed. Some of these witnesses were previously scheduled but were unable to
13 make their depositions. Plaintiffs are going to attempt to produce these witnesses without need for
14 a subpoena; however, some of them may still need to be served to secure their deposition
15 testimony.

16 8. The parties submit that, in light of the above, good cause exists to grant this
17 request. The parties submit that they have diligently pursued discovery in this matter and that no
18 previous requests have been made concerning the schedule. The proposed adjustment to the
19 schedule is as follows.

<u>Deadline</u>	<u>Previous Date</u>	<u>Proposed Date</u>
Non-Expert Discovery Cutoff	May 29, 2018	June 29, 2018
Initial Date for Expert Disclosures	June 8, 2018	July 11, 2018
Rebuttal Expert Disclosures	July 9, 2018	August 3, 2018
Expert Discovery Cut Off	July 23, 2018	August 17, 2018
Non Dispositive Motion Deadline		
Filing	August 9, 2018	August 27, 2018
Hearing	September 6, 2018	September 28, 2018

28

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

Dispositive Motion Deadlines

Filing September 21, 2018 October 15, 2018
Hearing October 26, 2018 November 16, 2018

The above referenced dates will not adversely impact the trial date.

Respectfully Submitted,

Dated: April 13, 2018

MARDEROSIAN & COHEN

/s/ Michael G. Marderosian
By: _____
Michael G. Marderosian,
Attorneys for Defendants above-named.

Dated: April 13, 2018

CHAIN COHN STILES

/s/ Neil Gehlawat
By: _____
Neil Gehlawat,
Attorneys for Plaintiff

Dated: April 13, 2018

LAW OFFICE OF THOMAS C. SEABAUGH

/s/ Thomas C. Seabaugh
By: _____
Thomas C. Seabaugh,
Attorneys for Plaintiff

ORDER

Pursuant to the Stipulation of the parties and good cause appearing therefor:
IT IS HEREBY ORDERED that the Scheduling Order be modified as follows:

<u>Deadline</u>	<u>Current Date</u>	<u>New Date</u>
Non-Expert Discovery Cutoff	May 29, 2018	June 29, 2018
Initial Date for Expert Disclosures	June 8, 2018	July 11, 2018
Rebuttal Expert Disclosures	July 9, 2018	August 3, 2018
Expert Discovery Cut Off	July 23, 2018	August 17, 2018
Non Dispositive Motion Deadline		
Filing	August 9, 2018	August 27, 2018
Hearing	September 6, 2018	September 28, 2018
Dispositive Motion Deadlines		
Filing	September 21, 2018	October 15, 2018
Hearing	October 26, 2018	November 16, 2018

IT IS SO ORDERED.

Dated: April 13, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE