

1 James D. Weakley, Esq. Bar No. 082853
 2 Brande L. Gustafson, Esq. Bar No. 267130

3 Weakley & Arendt
 4 A Professional Corporation
 5 1630 East Shaw Ave., Suite 176
 6 Fresno, California 93710
 Telephone: (559) 221-5256
 Facsimile: (559) 221-5262
 Jim@walaw-fresno.com
 Brande@walaw-fresno.com

7 Attorneys for Defendant, Reyes Soberon, Jr.

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

11 KIM ADAMS, an individual,) CASE NO. 1:17-cv-00464-JLT
 12)
 Plaintiff,) **STIPULATION AND [Proposed] ORDER**
 13) **TO MODIFY SCHEDULING ORDER**
 vs.) (Doc. 39)
 14)
 COUNTY OF KERN; KERN COUNTY)
 15 PROBATION DEPARTMENT; DAVID M.)
 KUGE, an individual; REYES SOBERON,)
 16 JR., and individual; and DOES 1 through 50,)
 17 inclusive,)
 18 Defendants.)

19 The parties, by and through their respective counsel, have stipulated to modify the
 20 discovery deadlines and existing Scheduling Order (Doc. No. 38) as follows:

Event/Deadline	Existing Date	Stipulated New Date
Non-Expert Discovery Deadline	September 3, 2019	December 2, 2019
Expert Witness Disclosure	September 10, 2019	January 2, 2020
Rebuttal Witness Disclosure	October 1, 2019	February 3, 2020
Expert Discovery Deadline	October 21, 2019	March 4, 2020
Non-Dispositive Motion Deadline (Filing)	November 4, 2019	April 6, 2020
Non-Dispositive Motion Deadline (Hearing)	December 16, 2019	May 4, 2020
Dispositive Motion Deadline (Filing)	November 4, 2019	June 8, 2020

Dispositive Motion Deadline (Hearing)	December 16, 2019	July 20, 2020
Pre-Trial Conference	February 3, 2020	October 5, 2020
Trial	March 30, 2020	November 30, 2020

The parties request an order modifying scheduling order. The parties had previously requested a modification of the scheduling order because Plaintiff's children and caretaker were either out of town due to an ill family member or had their own medical appointments that prevented them from being available for a deposition prior to the deadline to complete non-expert discovery and because counsel for defendants County of Kern and David M. Kuge—Marshall S. Fontes—was scheduled for knee surgery on June 26, 2019 making him unavailable for what he at time understood would be the following three to four weeks while recovering from the surgery.

Approximately three days after discharge, Mr. Fontes developed a hemorrhagic blister on the medial side of the right knee which was approximately four inches in diameter. This blister ruptured on Tuesday July 2, 2019, which presented increased risks of infection and delayed the initiation of his physical therapy treatment program. Originally, it was hoped that Mr. Fontes would be able to return to work at the beginning of August. However, due to these unexpected complications, Mr. Fontes was informed by his orthopedic surgeon on July 10, 2019, that he can expect to be off work for approximately six more weeks. There is no one else in Mr. Fontes' office with knowledge of this case that would be able to step in and take the remaining depositions while he continues his recovery.

But for this unanticipated medical emergency, all discovery would have been completed pursuant to the existing schedule. As a result of these circumstances it will be extraordinarily difficult for both parties to complete discovery, including depositions, within the remaining time frame for the completion of discovery.

The parties believe these there is good cause for the above proposed changes to the discovery deadlines.

///

1 Respectfully Submitted,

2 DATED: July 18, 2019

WEAKLEY & ARENDT
A PROFESSIONAL CORPORATION

3

4

/s/ Brande L. Gustafson
James D. Weakley
Brande L. Gustafson
Attorneys for Defendant, Reyes Soberon, Jr.

5

6

7 DATED: July 23, 2019

MARGO A. RAISON,
KERN COUNTY COUNSEL

8

9

/s/ Andrew C. Thomson for
Marshall S. Fontes (As authorized on 7/23/19)
Marshall S. Fontes, Deputy County Counsel
Attorneys for Defendants County of Kern, Kern
County Probation Department, and David M. Kuge

10

11

12

13 DATED: July 22, 2019

GERAGOS & GERAGOS

14

15

/s/ Noah Geldberg (As authorized on 7/22/19)
Mark J. Geragos
Ben J. Meiselas
Noah Geldberg
Attorneys for Plaintiff Kim Adams

16

17

18

ORDER


19

IT IS SO ORDERED.

20

Date: July 24, 2019

21



U.S. Magistrate Judge Jennifer L. Thurston

22

23

24

25

26

27

28