

1 **MARK L. NATIONS, COUNTY COUNSEL**
2 **COUNTY OF KERN, STATE OF CALIFORNIA**
3 **By: Marshall S. Fontes, Deputy (SBN 139567)**
4 **Kern County Administrative Center**
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9 **Attorneys for Defendants,**
10 **County of Kern and Michael Flores**

11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 **MICHAEL ALEXANDER JACKSON,**

14 **Plaintiff,**

15 **v.**

16 **COUNTY OF KERN; MICHAEL**
17 **FLORES; and DOES 1 through 10,**
18 **inclusive**

19 **Defendants.**

20 **CASE NO. 1:17-CV-00748 DAD JLT**

21 **STIPULATION TO MODIFY THE**
22 **SCHEDULING ORDER; [~~PROPOSED~~]**
23 **ORDER; DECLARATION OF**
24 **MARSHALL S. FONTES**

25 **(Doc. 22)**

26 **BY AND BETWEEN THE PARTIES TO THIS ACTION, THROUGH THEIR**
27 **COUNSEL OF RECORD:**

28 This stipulation is entered into by and between the plaintiff and the defendants, by and through their respective counsel to modify the Scheduling Order in this matter, by continuing all dates by approximately ninety (90) days.

1. As set forth in the attached declaration of Marshall S. Fontes, despite the diligence of counsel, the parties have not been able to complete all necessary discovery prior to the close of discovery in this case, due in part to the health of defense counsel which has caused a delay in the proceedings, and also due to a conflict of interest that has recently been declared by County Counsel's Office in the further representation of Defendant Flores that has led to the

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retention of outside counsel on his behalf.

2. Based on the forgoing, the parties agree through counsel to amend the scheduling order as follows:

| <u>Deadline:</u> | <u>Currently:</u> | <u>Proposed:</u> |
|--------------------------------|-------------------|------------------|
| Discovery cut off: | 6/15/18 | 9/14/18 |
| Expert Disclosure: | 6/29/18 | 9/28/18 |
| Supp. Expert Disclosure: | 7/27/18 | 10/26/18 |
| Expert Discovery Cut Off: | 8/24/18 | 11/23/18 |
| Non Dispositive Motion Filing: | 9/4/18 | 12/4/18 |
| Non-Dispositive Motions: | 10/2/18 | 1/8/19 |
| Dispositive Motion Filing: | 10/16/18 | 1/22/19 |
| Dispositive Motions: | 11/27/18 | 3/5/19 |
| Pre-Trial Conference: | 2/4/19 | 5/13/19 |
| Trial: | 4/2/19 | 7/9/19 |

3. Additionally, the Court has scheduled a Mandatory Settlement Conference in this matter on January 7, 2019. The parties have begun meaningful settlement discussions, and request that the settlement conference be advanced to a date convenient to the Court within the next thirty (30) days.

NOW THEREFORE, IT IS HEREBY STIPULATED by the Parties that the Scheduling Order be modified as set forth above.

Dated: June 8, 2018

MARK L. NATIONS, COUNTY COUNSEL

By: /s/ Marshall S. Fontes
Marshall S. Fontes, Deputy
Attorneys for Defendant, County of Kern

Dated: June 8, 2018

WEAKLEY & ARENDT

By: /s/ James Weakley
James Weakley, Esq.
Brande L. Gustafson, Esq
Attorneys for Defendant, Michael Flores

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Dated: June 8, 2018

LAW OFFICES OF JERRY STEERING

By: /s/ Jerry Steering
Jerry Steering, Esq.
Attorneys for Defendant, Michael A. Jackson

PROPOSED ORDER

Due to the that the Scheduling Order be Amended as follows:

| <u>Deadline:</u> | <u>Currently:</u> | <u>New Date:</u> |
|--------------------------------|-------------------|--------------------|
| Discovery cut off: | 6/15/18 | 9/14/18 |
| Expert Disclosure: | 6/29/18 | 9/28/18 |
| Supp. Expert Disclosure: | 7/27/18 | 10/26/18 |
| Expert Discovery Cut Off: | 8/24/18 | 11/23/18 |
| Non Dispositive Motion Filing: | 9/4/18 | 12/4/18 |
| Non-Dispositive Motions: | 10/2/18 | 1/8/19 |
| Dispositive Motion Filing: | 10/16/18 | 1/22/19 |
| Dispositive Motions: | 11/27/18 | 3/5/19 |
| Pre-Trial Conference | 2/4/19 | 5/20/19, 3:30 p.m. |
| Trial | 4/2/19 | 7/9/19 8:30 a.m. |

IT IS FURTHER ORDERED that the Mandatory Settlement Conference scheduled for January 7, 2019 is **ADVANCED** to July 12, 2018 at 9:00 a.m. at 510 19th Street, Bakersfield, California.

IT IS SO ORDERED.

Dated: June 11, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE