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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 WILLIAM DeFELICE and PATRICIA)	Case No. 1:17-cv-01464 LJO/SKO
DeFELICE,)	
12)	STIPULATION TO EXTEND NON-
Plaintiffs,)	EXPERT DEADLINE TO ALLOW
13)	THE UNITED STATES TO TAKE
v.)	DEPOSITIONS OF THE
14 UNITED STATES OF AMERICA,)	PLAINTIFFS; ORDER
15)	
16 Defendant.)	
17)	

18 Plaintiffs William DeFelice and Patricia DeFelice (“Plaintiffs”) and Defendant United States of
19 America (“United States”) (collectively “the parties”) stipulate, by and through the undersigned counsel,
20 to extend the non-expert discovery cutoff for the United States to take the depositions of the Plaintiffs up
21 to and including September 13, 2018.

22 1. The United States diligently noticed the depositions of both Plaintiffs pursuant to Federal
23 Rules of Civil Procedure 26-37, for August 10, 2018. At the request of the Plaintiffs, the United States
24 continued the depositions to August 16, 2018, and again to August 22, 2018, because of the health
25 conditions of both of the Plaintiffs.

26 2. The Court issued a scheduling order on February 6, 2018. Doc. 15. This included a
27 non-expert discovery deadline set for August 27, 2018. Additional time is required for Plaintiffs to
28 recover from their recent health conditions and appear at depositions to provide their testimony.

1 3. The parties agree that none of the other deadlines will be changed. Both parties intend
2 to comply with the other deadlines in the case, including, but not limited to existing expert disclosure
3 deadlines.

4 4. Good cause exists for the new dates agreed to below because William DeFelice is 89
5 years old and has recently been hospitalized and unable to attend his deposition. Patricia DeFelice is
6 his caregiver and similarly unable to attend her deposition. Accordingly, the parties stipulate and
7 agree that the United States should have until September 13, 2018, to take their depositions, and base
8 it on the above-stated good cause. The parties request the court to endorse this stipulation by way of
9 formal order.

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11 Dated: August 21, 2018

Respectfully submitted,
McGREGOR W. SCOTT
United States Attorney

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17 Dated: August 21, 2018

By: /s/Jeffrey J. Lodge
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Assistant United States Attorney
Attorneys for Defendant United States

SMITH LAW OFFICES, LLP
(As authorized 08/21/18)
By: /s/Douglas C. Smith
DOUGLAS C. SMITH
Attorneys for Plaintiff

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1 **ORDER**

2 Having reviewed the above-stipulation submitted by the parties (Doc. 16), and for good cause
3 shown, IT IS HEREBY ORDERED that the Scheduling Order (Doc. 15) be modified as follows: the
4 deadline for non-expert discovery is extended up to and including September 13, 2018, to permit
5 Defendant United States of America to take the depositions of Plaintiffs.

6 These modifications do not change any other existing scheduling deadlines, including the expert
7 discovery, motion deadlines, pretrial conference, and trial dates.

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9 IT IS SO ORDERED.

10 Dated: August 22, 2018

/s/ Sheila K. Oberto
11 UNITED STATES MAGISTRATE JUDGE