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19 Attorneys for Defendant Erik Mendoza  
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1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA

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4 PAULA GORDON, an individual,  
5 Plaintiff,

6 v.

7 NEXSTAR BROADCASTING, INC.  
8 a business entity, form unknown;  
9 KGET-TV 17, a business entity, form  
10 unknown; The CW NETWORK, LLC, a  
11 business entity, form unknown;  
12 TELEMUNDO 17.3, a business  
13 entity, form unknown; ERIK  
14 MENDOZA, an individual; and DOES  
15 1 through 100, inclusive

16 Defendants.

Case No. 1:18-cv-00007 (DAD) (JLT)

**STIPULATION AND  
[PROPOSED] ORDER TO  
CONTINUE EXPERT  
DISCLOSURE DEADLINE**

State Complaint Filed: 09/22/17  
Removal Filed: 10/31/17  
Trial Date: 01/07/20

17 TO THE HONORABLE COURT:

18 WHEREAS, the Court's Scheduling Order sets forth the deadline for expert  
19 disclosures by April 1, 2019. (ECF #78).

20 WHEREAS, in accordance with the Court's Scheduling Order, the Parties'  
21 expert disclosure should include the information under Federal Rules of Civil  
22 Procedure, Rules 26(a)(2), (A), (B), and (C). (ECF #58).

23 WHEREAS, pursuant to Rule 35 of the Federal Rules of Civil Procedure,  
24 Plaintiff appeared for Defendants' Independent Medical Examination on March 21,  
25 2019, before Dr. Delia Maria Silva.

26 WHEREAS, Dr. Silva is in the process of preparing her report and the  
27 Defendants have not obtained all of Plaintiff's therapy records from Plaintiff.

28 IT IS HEREBY STIPULATED AND AGREED by Plaintiff Paula Gordon,  
and Defendants, Nexstar Broadcasting, Inc. and Erik Mendoza, through their  
respective counsel, to an extension of the following discovery deadlines, subject to  
the Court's approval:

- 1 1. The Parties will exchange expert witness disclosures of information under  
2 FRCP Rules 26(a)(2)(A) and 26(a)(2)(B)(iv), (v), and (vi) by April 1, 2019.  
3 2. The Parties will exchange expert witness disclosures of information and  
4 reports under FRCP Rules 26(a)(2)(B)(i), (ii), and (iii) by April 19, 2019.  
5 3. Defendants are permitted to supplement, revise, or amend their expert report,  
6 if necessary, within two weeks after receiving Plaintiff's remaining therapy  
7 records.

8 IT IS SO STIPULATED.

9 Dated: March 28, 2019

JACKSON LEWIS P.C.

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By: /s/ Angel R. Sevilla

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Dylan B. Carp  
Angel R. Sevilla  
Stephanie T. Yang  
Attorneys for Defendant  
NEXSTAR BROADCASTING, INC

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Dated: March 28, 2019

LAW OFFICES OF VICTOR L. GEORGE

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By: /s/Wayne C. Smith

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Victor L. George  
Wayne C. Smith  
Attorneys for Plaintiff  
PAULA GORDON

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Counsel for Plaintiff, Wayne C. Smith,  
authorized submission of his e-signature on  
this document in writing, by e-mail dated  
March 28, 2019; 2:09 P..M.

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1 Dated: March 28, 2019

FISHER & PHILLIPS LLP

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3 By:           /s/Cheryl Schreck            
4 Cheryl Schreck  
5 Attorneys for Defendant  
6 ERIK MENDOZA

7 Counsel for Defendant, Cheryl Schreck,  
8 authorized submission of his e-signature on  
9 this document in writing, by e-mail dated  
10 March 28, 2019;1:59 P.M.

11 **[PROPOSED] ORDER**

12 The Court will **GRANT** the current stipulation.<sup>1</sup> However, the Court anticipates that **no**  
13 **further stipulations to the amend the case schedule will be filed.** The Court notes that since  
14 February 4, 2019, every docket entry in this case relates to amending the case schedule in some  
15 way. This implies that counsel are treating the case schedule cavalierly. If so, that **SHALL** end  
16 now. They **SHALL** abide by the remainder of the schedule and may seek amendment of it **only**  
17 upon a showing of exceptional good cause. Any future stipulation will be summarily denied if it  
18 fails to meet this standard.

19 IT IS SO ORDERED.

20 Dated:           **March 29, 2019**          

          **/s/ Jennifer L. Thurston**            
21 UNITED STATES MAGISTRATE JUDGE

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27 <sup>1</sup> In doing so, the Court does not accept that good cause for the amendment has been shown. The failure to obtain  
28 needed records and the failure to schedule the IME sooner are situations within the defendant's control. Indeed, the  
Court ordered in its scheduling order that, "In the event an expert will offer opinions related to an independent medical  
or mental health evaluation, the examination **SHALL** occur sufficiently in advance of the disclosure deadline so the  
expert's report fully details the expert's opinions in this regard." (Doc. 58)