

1 Douglas T. Sloan, City Attorney (State Bar #194996)
 2 Tina Griffin, Chief Assistant City Attorney (State Bar #210328)
CITY OF FRESNO
 3 2600 Fresno Street, Room 2031
 Fresno, California 93721-3602

4 **BETTS & RUBIN, A Professional Corporation**
 907 Santa Fe Avenue, Suite 201
 Fresno, California 93721
 5 Telephone: (559) 438-8500
 Facsimile: (559) 438-6959
 6 James B. Betts (State Bar #110222)
 Joseph D. Rubin (State Bar #149920)
 7 Attorneys for CITY OF FRESNO

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10 DAVID PHILLIPS-KERLEY,)
 11)
 Plaintiff,)
 12 vs.)
 13 CITY OF FRESNO FIRE)
 DEPARTMENT, a California)
 14 Governmental Entity; MIKE GILL, an)
 individual; RONALD CALDWELL, an)
 15 individual; CHARLES TOBIAS, an)
 individual; JERRY SMITH, an)
 16 individual; MARK HARVEY, an)
 individual; DONALD MAC ALPINE,)
 17 an individual; RONALD STOGDELL,)
 an individual; NICHOLAS MARTINO,)
 18 an individual; CASEY CLARK, an)
 individual; DANIEL ESCOBAR, an)
 19 individual; OSCAR BETANCOURT, an)
 individual; TONY ESCOBEDO, an)
 20 individual; JONATHAN CHEW, an)
 individual; KERRI DONIS, an)
 21 individual; RANDALL REITZ, an)
 individual; RICHARD CABRAL, an)
 22 individual; JOHN CREASY, an)
 individual; RICHARD WILLARD, an)
 23 individual; CARLTON JONES, an)
 individual; KENNETH PHILLIPS, an)
 24 individual; JEFFREY CARDELL, an)
 individual; BRUCE RUDD, an)
 25 individual; VAN TASSEL, an)
 individual; and DOES 1 to 10, inclusive,)
 26 Defendants.)

Case 1:18-cv-00438-AWI-BAM
 STIPULATION TO AMEND SCHEDULING
 CONFERENCE ORDER; AND ORDER
 THEREON

1 IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through
2 their respective counsel of record, as follows:

3 1. This litigation involves an employment discrimination/civil rights action against
4 the City of Fresno based upon multiple alleged adverse employment actions. After various
5 motions, the matter became at issue on June 16, 2020 (Document 74). Shortly thereafter,
6 discovery was stayed as Plaintiff was attempting to locate new counsel.
7

8 2. On March 15, 2021, the stay was lifted (Document 104). Subsequently, a
9 scheduling order was entered on July 1, 2021 (Document 115), and an amended scheduling order
10 on January 28, 2022 (Document 121).

11 3. The parties have undertaken preliminary written discovery and have produced
12 over 7,500 pages of documents and audios.

13 4. The pandemic significantly delayed depositions in this matter. All parties
14 put off depositions with the belief that certain depositions would be more beneficial in this type
15 of litigation if they were in person. The parties have recently completed percipient discovery
16 and depositions, and desire additional time for the review of transcripts by the deponents and for
17 the potential use of discovery by experts.
18

19 5. Further, counsel for the City is in the process of moving its law office as the
20 building has been sold and is in escrow.

21 6. All parties believe that the proposed extension on the remaining deadlines in the
22 Scheduling Conference Order would greatly assist the parties in completing expert discovery,
23 having further settlement discussions and preparing for trial. Thus, the parties propose the
24 following dates:
25

26		<u>Current Date</u>	<u>New Date</u>
27	Expert Disclosure:	04/25/2022	06/06/2022

Supplemental Expert Disclosure:	05/24/2022	07/19/2022
Expert Discovery Cutoff:	06/21/2022	08/09/2022
Pretrial Motion Filing Deadline:	08/16/2022	10/04/2022
Pretrial Conference:	01/26/2023	04/06/2023
Trial:	04/18/2023	08/08/2023

7. Thus, it is respectfully requested that the remaining deadlines in the Scheduling Conference Order be modified, and trial be set for August 8, 2023 or after.

Dated: April 25, 2022

BETTS & RUBIN

By /s/ Joseph D. Rubin
Joseph D. Rubin
Attorneys for Defendant CITY OF FRESNO

Dated: April 25, 2022

CURD, GALINDO & SMITH, LLP

By /s/ Alex Galindo
Alex Galindo
Attorneys for Plaintiff DAVID PHILLIPS-
KERLEY

ORDER

Based on the parties Stipulation, and good cause appearing IT IS HEREBY ORDERED that the Scheduling Order will be modified in the following manner:

Expert Disclosure:	06/06/2022
Supplemental Expert Disclosure:	07/19/2022
Expert Discovery Cutoff:	08/09/2022
Pretrial Motion Filing Deadline:	10/04/2022
Pretrial Conference:	06/05/2023
Trial:	08/15/2023

IT IS SO ORDERED.

Dated: April 25, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE