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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 TARLOCHAN SINGH, et al.,

12 Plaintiffs,

13 v.

14 LIVINGSTON COMMUNITY HEALTH, et  
15 al.,

16 Defendants.

Case No. 1:18-cv-01126-JLT-SAB

ORDER GRANTING STIPULATED  
MOTION TO MODIFY SCHEDULING  
ORDER

(ECF Nos. 38, 44, 45)

17 This action was filed on August 20, 2018. (ECF No. 1.) On March 4, 2021, a scheduling  
18 order issued, which has not been modified in this action. (ECF No. 38.) No trial date was set,  
19 due to this action being then currently set under the designation “NONE,” with no District Judge  
20 directly assigned to the action. On January 7, 2022, this action was assigned to District Judge  
21 Jennifer L. Thurston. (ECF No. 40.) On December 8, 2022, the parties filed a stipulation  
22 requesting the scheduling order be modified. (ECF No. 46.)

23 The parties request the discovery deadlines, dispositive motion filing deadline, and  
24 pretrial conference be extended for a period of approximately six months due to significant  
25 delays related to COVID-19. Although the Court has seen COVID-19 utilized as an insufficient  
26 general proffer in other actions, counsel has submitted a declaration explaining in detail why the  
27 impact of the pandemic was particularly substantial to the discovery in this action pertaining to  
28 Defendant Livingston Community Health. (Decl. Russel K. Ryan ¶¶ 2-3, ECF No. 45.)

1 The parties do not address the fact that the nonexpert discovery deadline already expired  
2 on December 6, 2022. Nonetheless, given the deadline just expired, the declaration of counsel,  
3 the proffered reasons for the needed extensions, and because this is the first modification to the  
4 scheduling order, the Court finds good cause to grant the *nunc pro tunc* extension of time.

5 The parties' stipulation proffers the trial date shall be set as "To Be Determined by the  
6 Court." (ECF No. 44 at 2.) The Court shall take this opportunity to set a trial date now that a  
7 District Judge is assigned to this action, in accordance with the continued Pretrial Conference  
8 date.

9 Pursuant to the parties' agreement and findings good cause, IT IS HEREBY ORDERED  
10 that the motion is GRANTED and the scheduling order is modified as follows:

- 11 1. Expert Disclosure Deadline: June 2, 2023;
- 12 2. Supplemental Expert Disclosure Deadline: June 30, 2023;
- 13 3. Nonexpert Discovery Deadline: July 14, 2023;<sup>1</sup>
- 14 4. Expert Discovery Deadline: September 8, 2023;
- 15 5. Dispositive Motion Filing Deadline: January 10, 2024;
- 16 6. Pre-trial Conference: June 24, 2024, at 1:30 p.m. in Courtroom 4; and
- 17 7. Trial: August 20, 2024, at 8:30 a.m. in Courtroom 4.

18 All other dates and aspects of the scheduling order, shall remain in effect.

19 IT IS SO ORDERED.

20 Dated: December 8, 2022

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22 \_\_\_\_\_  
23 UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> The parties propose a nonexpert discovery deadline that expires after the expert disclosures.