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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 RICHARD CHARLES BERNIER, III;) CASE NO. 1:18-cv-01131-JLT-SKO
12 NADEZHDA USTINENKOV,)
13 Plaintiffs,) **STIPULATION AND ORDER**
14) **MODIFYING SCHEDULING ORDER**

14 vs.)

15 FRESNO POLICE OFFICER ANTHONY)
16 RODRIGUEZ; FRESNO POLICE OFFICER)
17 KEVIN JONES; FRESNO COUNTY)
18 SHERIFF’S DEPUTY GARRETT MAJORS;)
19 FRESNO COUNTY SHERIFF’S DEPUTY)
20 JOHN ROBINSON; FRESNO COUNTY)
21 SHERIFF’S DEPUTY NATHANIEL)
22 WILKINSON; UNKNOWN FRESNO)
23 COUNTY SHERIFF’S DEPARTMENT)
DEPUTIES; UNKNOWN FRESNO POLICE)
OFFICERS; THE CITY OF FRESNO,)
CALIFORNIA; THE COUNTY OF FRESNO,)
CALIFORNIA,)
Defendants.)

) Complaint Filed: August 20, 2018
Trial Date: April 1, 2025

24 IT IS HEREBY STIPULATED AND AGREED by and between the attorneys of records
25 for plaintiffs Richard Charles Bernier, III (“Bernier”) and Nadezhda Ustinenkov (“Ustinenkov”)
26 (collectively “Plaintiffs”) and defendants County of Fresno (“County”), Fresno County Sheriff’s
27 Deputies Garrett Majors (“Deputy Majors”), John Robinson (“Deputy Robinson”), and
28 Nathaniel Wilkinson (“Deputy Wilkinson”) (collectively “Defendants”) as follows:

1 The parties agree to participate in a settlement conference to take place in mid to late
2 August 2024.

3 In light of the parties' wishes to pursue settlement discussions through a settlement
4 conference, the parties agree that it is in the best interest of the court and parties, and in the
5 interest of most economically proceeding with the case, to amend the scheduling order to
6 continue the dates relating to expert discovery to a time after the conclusion of the settlement
7 conference as set forth below:

8 Event	Current Date	Proposed New Date
9 Non-Expert Discovery Deadline	July 19, 2024	No Change
10 Settlement Conference	None	Mid to Late August 2024
11 Expert Disclosures	August 16, 2024	September 30, 2024
12 Rebuttal Expert Disclosures	September 20, 2024	October 25, 2024
13 Expert Discovery	October 11, 2024	November 22, 2024
14 Non-Dispositive Motion Deadline	October 18, 2024	November 1, 2024
15 Non-Dispositive Motion Hearing Deadline	November 20, 2024	December 9, 2024
16 Dispositive Motion Deadline	November 1, 2024	No Change
17 Dispositive Motion Hearing Deadline	December 9, 2024	No Change

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19 The parties request this modification to the scheduling order because the earliest the
20 Defendants can obtain any settlement authority from the Board of Supervisors is August 8,
21 2024, and because the parties would expend substantial effort and expenses at the very time the
22 parties should be devoting their efforts to determining if the case can be settled.

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IT IS SO STIPULATED.

Dated: July 1, 2024

WEAKLEY & ARENDT
A Professional Corporation

By: /s/ Brande L. Gustafson
James D. Weakley
Brande L. Gustafson
Attorneys for Defendants
County of Fresno, Garrett Majors, John Robinson,
and Nathaniel Wilkinson

Dated: July 2, 2024

LAW OFFICE OF KEVIN G. LITTLE

By: /s/ Kevin G. Little (As authorized on 7/02/24)
Kevin G. Little
Attorneys for Plaintiffs
Richard Charles Bernier, III and Nadezhda
Ustinenkov

ORDER

THE PARTIES HAVING SO STIPULATED (Doc. 111), and good cause appearing therefor, the Court hereby orders that the Scheduling Conference Order be modified as follows:¹

Event	Current Date	New Date
Non-Expert Discovery Deadline	July 19, 2024	No Change
Settlement Conference	None	August 29, 2024 at 10:30 AM. ²
Expert Disclosures	August 16, 2024	October 7, 2024
Rebuttal Expert Disclosures	September 20, 2024	November 4, 2024
Expert Discovery	October 11, 2024	December 2, 2024
Non-Dispositive Motion Deadline	October 18, 2024	December 11, 2024
Non-Dispositive Motion Hearing Deadline	November 20, 2024	January 15, 2025
Dispositive Motion Deadline	November 1, 2024	December 18, 2024
Dispositive Motion Hearing Deadline	December 9, 2024	January 22, 2025
Pre-Trial Conference	February 3, 2025	March 24, 2025
Trial	April 1, 2025	May 20, 2025

IT IS SO ORDERED.

Dated: July 8, 2024

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

¹ Some dates have been modified from the parties' proposed order to accommodate the Court's schedule.

² An Order re Settlement Conference will follow this order detailing the Court's pre-settlement conference requirements.