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9 Attorneys for Plaintiff, C.F., a minor,
10 by and through her Guardian ad Litem,
11 REGINA FERNANDEZ

12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**

14 C.F., a minor, by and through her Guardian
15 ad Litem, REGINA FERNANDEZ,

16 Plaintiff,

17 vs.

18 KERN HIGH SCHOOL DISTRICT; GREG
19 MCKINSEY; ARVIN HIGH SCHOOL;
20 PRINCIPAL ED WATTS; ASSISTANT
21 PRINCIPAL BRANDI BALL; ASSISTANT
22 PRINCIPAL ROBERT MOORE; and DOES
23 1 to 100, Inclusive,

24 Defendants.

CASE NO.: 1:19-CV-01571-DAD-JLT

**STIPULATION OF THE PARTIES
TO CONTINUE TRIAL AND TRIAL
RELATED DATES; AND
[PROPOSED] ORDER
(Doc. 32)**

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1 **STIPULATION TO CONTINUE TRIAL AND TRIAL RELATED DATES**

2
3 Undersigned counsel for Plaintiff, C.F. a minor, and undersigned counsel for
4 Defendants, KERN HIGH SCHOOL DISTRICT, GREG MCKINSEY, all of the parties who
5 have appeared in this action, hereby stipulate and agree as follows:

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7 **RECITALS**

8 **WHEREAS:**

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- 10 1. This is an action for alleged personal injuries sustained by C.F.
- 11 2. The Complaint in this action was filed on November 1, 2019.
- 12 3. Defendants KERN HIGH SCHOOL DISTRICT, filed an Answer to the
13 Complaint on December 31, 2019.
- 14 4. Defendant GREG MCKINSEY filed an Answer to the Complaint on April 24,
15 2020.
- 16 5. The Parties exchanged initial disclosures on March 2, 2020.
- 17 6. The Parties filed a modified Joint Scheduling Report [DOC 27] on June 12,
18 2020, when the court continued all dates for 6 months to allow for
19 Defendant MCKINSEY’S trial to conclude.
- 20 7. Defendant GREG MCKINSEY’S criminal trial was stayed for 6 months
21 beginning January, 2021.
- 22 8. Defendant GREG MCKINSEY was directed to comply with certain terms,
23 including community service, within those 6 months, and that if he complies
24 with the terms the case will be dismissed.
- 25 9. All parties have experienced delays in preparing this case due to Defendant
26 MCKINSEY’S ongoing criminal investigation and trial.
- 27 10. The pretrial conference is currently set for January 31, 2022.
- 28 11. The settlement conference is currently set for June 18, 2021.

1 12. A continuance of all trial related and discovery dates for 6 months is necessary
2 because Defendant GREG MCKINSEY'S criminal trial has prevented the
3 parties from participating in discovery and preparations of this case.
4

5 **STIPULATION**
6

7 The Parties stipulate that all current deadlines be vacated and rescheduled for a time
8 of at least six (6) months after the currently schedule dates, or as soon thereafter as pleases
9 the Court.

10 *Cut-Off Date for Non-Expert Discovery.*

11 The initial fact discovery cut-off date was March 1, 2021

12 The modified fact discovery cut-off date is September 1, 2021.

13 The Parties request a further discovery cut-off date of February 1, 2022.

14 *Suggested Timing of the Disclosure of Expert Witness Discovery as required by Fed.*
15 *R.Civ. P. 26(a)(2).*

16 The initial expert exchange was set for December 2, 2020, with rebuttal expert witness
17 disclosures on January 2, 2021

18 The modified expert exchange is set for May 2, 2021, and rebuttal expert witness
19 disclosures on June 2, 2021.

20 The Parties request a further modified simultaneous expert exchange of November 2,
21 2021 and rebuttal expert witness disclosures on December 2, 2021

22 *Expert Discovery Cut-Off.*

23 The initial expert discovery cut-off date was April 1, 2021.

24 The modified expert discovery cut-off date was October 1, 2021.

25 The Parties request a further modified expert discovery cut-off of April 1, 2022.
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27 **DATES AGREED TO BY ALL COUNSEL**

28 (a) *Last Date for Filing Pretrial Motions*

1 The Parties propose the last date for filing of non-dispositive pretrial motions be April
2 15, 2022, and the last date for filing or dispositive pretrial motions be May 15, 2022. Both
3 dispositive and non-dispositive motions are to be noticed for the first available hearing date
4 affording proper notice under the Local Rules.

5 (b) *Pre-Trial Conference Date*

6 The Parties propose a final pretrial conference date be set in August, 2022.

7 (c) *Trial Date*

8 The Parties propose trial be set for any date during the month of September, 2022.

9
10 DATED: February 18, 2021

RODRIGUEZ & ASSOCIATES

/s/ Joseph Whittington

11
12 By: _____
13 JOSEPH WHITTINGTON, ESQ.,
14 Attorneys for Plaintiff, C.F. a minor
15 by and through her Guardian ad Litem,
16 Regina Fernandez

17 DATED: February 18, 2021

ZIMMER & MELTON, LLP

/s/ T. Mark Smith

18
19 By: _____
20 T. MARK SMITH, ESQ.,
21 Attorneys for Defendant,
22 Greg McKinsey

23 DATED: February 18, 2021

HAGAN LAW GROUP, LLP

/s/ Christopher J. Hagan

24
25 By: _____
26 CHRISTOPHER J. HAGAN, ESQ.,
27 Attorneys for Defendant,
28 Kern High School District

1 **[PROPOSED]**

2 **ORDER**

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4 Based upon the stipulation of the parties, the Court **ORDERS** the scheduling order to be
5 amended as follows:

- 6 1. The Settlement Conference is continued to August 22, 2022 at 9:00 a.m.¹,
- 7 2. The parties SHALL complete all non-expert discovery no later than February 1, 2022;
- 8 3. The parties SHALL complete all expert discovery no later than April 1, 2022. They
9 SHALL disclose experts no later than November 2, 2021 and any rebuttal experts no later
10 than December 2, 2021;
- 11 4. Any non-dispositive motions SHALL be filed no later than April 15, 2022 and heard no
12 later than May 17, 2022;
- 13 5. Any dispositive motions SHALL be filed no later than May 20, 2022 and heard no later
14 than July 19, 2022;
- 15 6. Pre-Trial Conference is continued to September 26, 2022 at 1:30 p.m.

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17 IT IS SO ORDERED.

18 Dated: **February 18, 2021**

/s/ Jennifer L. Thurston
19 UNITED STATES MAGISTRATE JUDGE

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¹ The parties may stipulate to a different date for the settlement conference, provided it is available with the Court.